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ABSTRACT

On October 20, 1994, President Clinton signed into law the Improving America's Schools Act of 1994. This statute contains amendments to the Elementary and Secondary Education Act of 1965, including the reauthorization of Chapter 1, as the newly entitled Title I. The reauthorized Title I drastically restructures the direction of former remedial programs, in which students were pulled out of their regular classrooms to participate in special remedial classrooms. The bill pushes for more accountability while offering opportunities for flexibility. This manual was designed to help interested parties understand the complex requirements of Title I and the dramatic revisions of Chapter 1. It highlights the areas of flexibility and simplicity found in specific statutory provisions and explains how local educational agencies and schools may take advantage of additional funding, administrative flexibility, and practical opportunities for the improved delivery of educational services. The guide explains the requirements imposed on the state and local educational agencies and defines exactly which federal funds can be used by these agencies for what purposes. Nine chapters address the following areas: (1) state and local planning requirements; (2) assessments for Title I programs; (3) implementation of Title I policy; (4) accountability provisions; (5) waivers and other burden-reducing provisions; (6) parental involvement; (7) professional development; (8) equitable participation of children enrolled in private schools; and (9) coordination requirements and fiscal obligations. Two figures are included. The entire Title I statute is contained in the appendix. (LMI)

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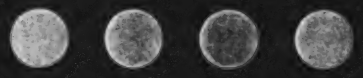
Great Expectations
UNDERSTANDING THE NEW TITLE I



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AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS

Great Expectations: Understanding The New Title I

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FOREWORD

When the 103rd Congress began work on the reauthorization of Title I and other programs in the Elementary and Secondary Education Act (ESEA), AASA wanted broad changes that would incorporate new knowledge about learning and the organization of learning.

For the last 30 years, federal education law has focused on educational processes instead of results because many children did not have equal access to education. In the case of the former Chapter 1, this focus yielded a regulation-bound program that defined success as following the rules.

Fortunately, Congress, the Clinton administration, and many educators agreed that educational improvement required big changes. Title I now focuses on results rather than processes. Instead of discouraging site-based decision making and staff development, the new law requires it.

However, old habits die hard. Despite its promising changes, the new Title I is still heavily prescriptive, which puts a burden on local program and building administrators: They must get results *and* follow very detailed rules.

In 1989, when Congress completely rewrote the Carl D. Perkins Vocational Education Act, attorneys Michael Brustein and Leigh Manasevit produced a handbook that helped administrators meet the requirements of the new legislation. Faced with comparably massive changes in Chapter 1 law, AASA welcomed the opportunity to work with Michael and Leigh to help school administrators understand the new Title I.

AASA published this manual to provide a clear, thorough explanation of Title I, including its contradiction between results and rules. *Great Expectations: Understanding the New Title I* identifies what administrators must and cannot do, as well as where the gray areas are. We intended this guide to serve as a useful, comprehensive resource for years to come, until the next ESEA reauthorization at the turn of the century.

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INTRODUCTION TO THE NEW TITLE I

On October 20, 1994, President Clinton signed into law the most important and far-reaching changes in the federal support of elementary and secondary education: the Improving America's Schools Act of 1994. This statute contains amendments to the Elementary and Secondary Education Act of 1965, including the reauthorization of Chapter 1, as the newly entitled Title I.

The reauthorized Title I represents a $7.4 billion investment in transforming and upgrading America's educational system. The new law redirects our thinking: We will now expect all children in the country, including the poor and educationally disadvantaged, to develop the same knowledge, skills, and level of achievement once expected from only the top students. The importance of this new program cannot be underestimated—Title I promises to be the vanguard of reform in schools throughout the country. This new law presents a profound opportunity to improve and enhance the knowledge and skills of disadvantaged children. Educators across the nation must recognize the potential to make significant headway in advancing our entire educational system through the Title I program.

For the first thirty years of its existence, Chapter 1 students were pulled out of their regular classrooms during the school day to participate in special remedial classes. As part of this remedial education, instructors reinforced the most basic of skills through standardized norm-referenced testing. The stigma associated with the constant pull-out, in addition to the educational opportunities missed from not participating in regular classes, contributed to a level of achievement well below the true potential of these students.

The reauthorized Title I drastically restructures the direction of these programs, not only eliminating the shortfalls of pull-out and low expectations, but energizing entire school systems and moving them toward reform. For example, Title I mandates challenging content and performance standards for Title I students, reflecting the same high expectations generally held for all children. School reform is supported through the widespread encouragement of schoolwide projects. These schoolwide programs avoid the disadvantage and stigma of pull-out and allow all students to participate equally in the best the schools can offer. The new law provides more freedom and versatility than ever before by encouraging the use of waivers from many statutory and regulatory program requirements. In addition, pull-out as an educational methodology is virtually abandoned. While not explicitly prohibited in the statute, removing students from the classroom is widely discouraged.

To balance the enhanced flexibility of Title I, the new law broadens and strengthens accountability provisions. Title I provides support and assistance for struggling programs, imposing consequences for a lack of improvement while rewarding successful programs with proven records. Accountability

is effectuated through annual reviews, performance-based assessments, program improvement, and corrective actions.

As described by the House Committee on Education and Labor during the reauthorization hearings, "The heart of the legislation is to demand greater educational achievement in exchange for much more freedom in the use of Federal funds. The whole bill can be summed up in two words: flexibility and accountability."[1]

Great Expectations: Understanding the New Title I is designed to assist state and local administrators, school board members, principals, teachers, parents, and other education advocates in understanding the complex requirements of Title I and the dramatic changes from Chapter 1. This manual highlights the areas of flexibility and simplicity found in specific statutory provisions and explains how local educational agencies and schools may take advantage of additional funding, administrative flexibility, and practical opportunities for the improved delivery of educational services. This guide explains each statutory section of Title I of the Elementary and Secondary Education Act ("ESEA"), entitled "Helping Disadvantaged Children Meet High Standards." Without using statutory legalese, this manual explains the detailed requirements imposed on the state and local educational agencies and defines exactly which federal funds can be used by these agencies for what purposes. For reference, the entire Title I statute is contained in the appendix.

While the ESEA statute contains innumerable details and requirements, the law is still evolving through the regulatory process. The Department of Education has expressed reluctance to regulate unless absolutely necessary, however, the provisions on standards, assessments, and schoolwide programs are subject to the process of negotiated rulemaking. This manual explains the statutory details while offering insight from the Department of Education in an effort to provide a workable and practical guide to understanding Title I.

[1] Committee on Education and Labor, House of Representatives, Committee Report, p. 4.

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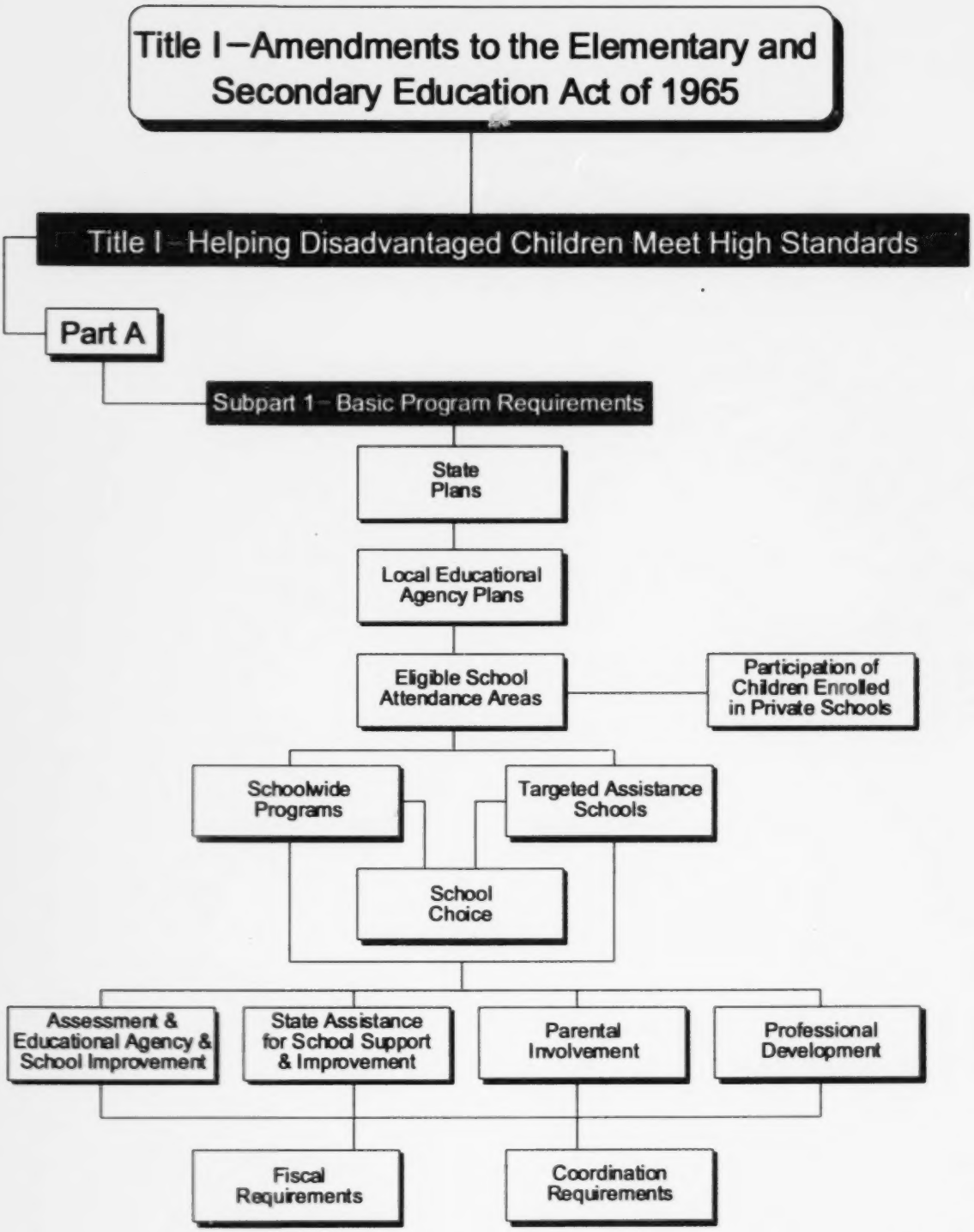
Chart 1. Basic Framework


Title I—Amendments to the Elementary and Secondary Education Act of 1965
Title I—Helping Disadvantaged Children Meet High Standards
Part A
Subpart 1—Basic Program Requirements
State Plans
Local Educational Agency Plans
Eligible School Attendance Areas
Participation of Children Enrolled in Private Schools
Schoolwide Programs
Targeted Assistance Schools
School Choice
Assessment & Educational Agency & School Improvement
State Assistance for School Support & Improvement
Parental Involvement
Professional Development
Fiscal Requirements
Coordination Requirements

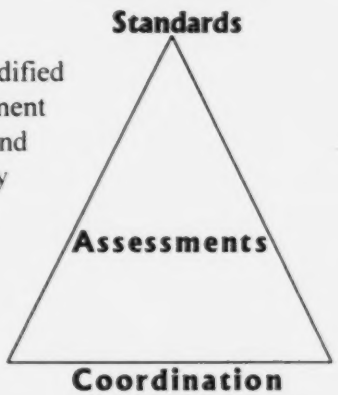
Chapter 1

State and Local Planning Requirements

I. Introduction and History of State and Local Planning Requirements

Over the last 30 years, the Elementary and Secondary Education Act has significantly improved the educational services provided to American children. The most recent reauthorization of the Chapter 1/Title I program promises to provide even more effective services to disadvantaged children in poverty.

Reauthorization centered around three primary goals that have been codified throughout the reauthorized Title I: 1) States must design and implement challenging content and performance standards; 2) States, districts, and schools must be accountable for progress in Title I programs by administering high quality yearly student assessments; and 3) Title I programs must be developed in coordination with the Goals 2000: Educate America Act[1] ("Goals 2000"), the Carl D. Perkins Vocational and Applied Technology Education Act ("Perkins"), and other relevant laws.



[1] The Goals 2000: Educate America Act authorized more than $400 million in fiscal 1994, and unspecified amounts through 1999, for school reform efforts. The law requires the establishment of panels to oversee the setting of voluntary national academic, school delivery and job skill standards. The law reauthorizes school research programs under the Education Department's Office of Educational Research and Improvement. Funds are also authorized for competitive grants to improve school safety.

Under Chapter 1, state and local educational agencies were required to submit very simple applications that merely contained fiscal assurances for participation in Chapter 1 programs. No specific planning or development requirements existed at the state or local level.

In contrast, the reauthorized law emphasizes planning at every level. Title I requires the state and local educational agencies to produce state and local plans that reflect the three primary objectives of the law. Each participating state and district must develop an overall Title I educational plan. Additionally, each LEA must produce a parental involvement plan; every school conducting a schoolwide project must develop a schoolwide plan; schools involved in school choice must produce a school choice plan; and schools and LEAs in program improvement must revise or develop their general Title I plans. Title I requires specific elements in the planning and development of state and local plans that are designed to broaden participation by parents, teachers, and principals to improve the coordination between Title I programs and other laws, and to align state and local curricular standards with student assessments.

This chapter discusses Title I's very specific requirements that the SEA and LEA produce state and local plans for participation in Title I programs.

II. State Educational Agency Plans

A. The State Must Develop a Plan that Reflects the Goals of Coordination, Challenging Standards, and Assessments

Before a state may participate in Title I programs, the state must submit a plan to the Secretary that demonstrates its methods of implementing Title I requirements. The content of the plan should consistently emphasize the major innovations of the reauthorized law: challenging standards, aligned assessments, and coordination. The plan must be developed in consultation with LEAs, teachers, pupil services personnel, administrators, other staff, and parents.

B. The Plan May Be Submitted as Part of a Consolidation Plan

In a significant change from Chapter 1, the state plan may be submitted to the Secretary of Education as part of a consolidation plan. As explained in section 14302 *et al* of the ESEA, submitting a consolidated plan allows a state to obtain funds under many federal programs through a single plan, rather than through separate and detailed program funding plans or applications. This feature of Title I greatly simplifies and coordinates the requirements between Title I and other relevant laws. However, approval of a consolidated plan does not alter a state's obligation to continue to comply with all requirements of each program, including those requirements or assurances that would have been described in the individual plans or applications. In addition, while states may consolidate administrative funds under §14201 of the ESEA, as discussed in chapter 9, approval of a consolidated state plan does not authorize the commingling of program funds.

As part of a consolidation plan, a state may incorporate its application for Title I programs with plans required under the Even Start Program, the Neglected and Delinquent Program, the High

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School Dropout Program, the Perkins Act, Goals 2000, the 1994 School-to-Work Opportunities Act, and other laws as permitted by the Secretary.[2]

In establishing criteria and procedures for producing a consolidated plan, the Secretary must require only descriptions, information, assurances, and other materials that are absolutely necessary for the consideration of the consolidated state plan. In addition, the SEA must have on file with the Secretary a single set of assurances, applicable to each program for which a consolidated plan is submitted.

The Department of Education is encouraging state and local administrators to take advantage of the simplified consolidated application process.[3] The Department has set forth proposed requirements for consolidated state plans.[4] Under the consolidated procedure, the states must follow a two-phased process for completing their consolidated plans: (1) submission in spring 1995 of a relatively simple preliminary plan, followed by (2) the state's development and submission of a final consolidated plan the following year. The preliminary consolidated plan must identify the federal programs that the plan covers and must address only three areas: 1) Goals and Objectives—What goals the SEA hopes to achieve through the development and use of a consolidated plan, and how the needs of intended beneficiaries are addressed; 2) Process for Developing the Final Consolidated Plan—What process and timelines the SEA will use to develop the final plan; and 3) Fiscal Accountability—What amount of funds will be provided under each program to carry out state activities, including the procedures and criteria used by the SEA to distribute program funds, and the amount of funds that the state would consolidate for state consolidated administration under §14201.

The specific requirements for the final consolidated plan will be finalized through the regulatory process.

C. The Plan Must Demonstrate Development and Implementation of Challenging Standards

Under Chapter 1, a lower level of achievement often was expected from Chapter 1 children since they were considered to be "educationally disadvantaged," and therefore labeled as such. Chapter 1 programs often reinforced low expectations for targeted students by focusing on basic and low-level skills. Title I requires states to encourage all children to attain high levels of achievement through the implementation of challenging content and performance standards. Title I attempts to remedy the defects in Chapter 1 by requiring that all children be expected to achieve high standards whether they are from poor families, from families that do not speak English, or who are otherwise "educationally disadvantaged."

Challenging content and performance standards are central to the state and local plans required under Title I. Each state plan must demonstrate these content and performance standards have been developed. The challenging standards required by Title I must include the same knowledge, skills, and levels of performance expected of all children of comparable age. To effect this requirement,

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2 §14302 of Title I of the Improving America's Schools Act.

3 Comments of Officials from the Department of Education, Federal Program Conference, Baltimore, Maryland, December 2, 1994.

4 60 Fed. Reg. 3307, January 13, 1995.

if a state has already developed statewide standards, those standards must be used for Title I children as well. If the state does not have or intend to develop such standards, then the state still must develop standards for Title I children.

The academic subjects to which challenging standards will apply must include, at least, mathematics and reading or language arts. Other academic subjects may be determined by the state. The state plan must provide assurances that children enrolled in any academic subjects that do not have content or performance standards are taught the same knowledge and skills and held to the same high expectations as all children.

The statute requires that the state clearly specify what children are expected to know and be able to do. The challenging content standards must contain coherent and rigorous content. Unlike Chapter 1 requirements that focused on basic skills, Title I standards must encourage the teaching of advanced skills.

The state's challenging performance standards must be aligned with the challenging content standards. The state plan must describe three levels of student performance to be reflected in the performance standards. Two levels of high performance, "advanced" and "proficient," would signify how well the student has mastered the material in the content standards. A third level of performance, "partially proficient," would provide information about the progress of the lower performing children toward achieving the proficient and advanced levels.

D. States Need Not Submit Standards to the Secretary, but Rather Demonstrate that Standards Have Been Established

State discretion is protected in Title I, as demonstrated by the requisite method of developing standards. The state must seek the Secretary's approval for the plan, but the content and substance of the challenging standards are not even submitted to the Secretary. The state need only establish that challenging standards will be developed and implemented on a timely basis. Significantly, the statute contains no objective criteria defining "challenging." Instead states are left to their discretion to create standards that reach the level of challenge required.

E. State Must Use Standards if Already Developed Under Other Laws

To enhance coordination among relevant laws, if a state is using pre-existing content or performance standards, along with an aligned set of assessments, developed under Goals 2000 or adopted under another process, then the state must continue to use those standards and assessments, modifying them if necessary to conform to the requirements of Title I.

F. The State Plan Must Establish "Adequate Yearly Progress" of the LEA or School

The results of high quality student assessments outlined in the state plan (described in chapter 2 of this manual) will be used to determine the "adequate yearly progress" of any participating school or LEA toward enabling children to meet the state's challenging student performance standards. This measure enhances the state's accountability for the success of its Title I program.

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Each state plan must demonstrate what constitutes "adequate yearly progress." In establishing the meaning of this term, the state plan must incorporate specific criteria. The measures must reflect the "continuous and substantial yearly improvement" of each school or LEA and must be consistent with the guidelines established by the Secretary. Progress must be sufficient to achieve the goal that all Title I children meet the state's proficient and advanced levels of performance, particularly with regard to economically disadvantaged and limited English proficient children. State plans must define "adequate yearly progress" in a manner that links the LEA's or school's progress primarily to the students' assessment results. However, progress also may be established in part through "other measures." States have discretion in determining what these "other measures" may be, but they may include indicators such as rates of attendance, graduation, school-to-work or school-to-college transition, and dropout. The statute specifically explains that "other measures" may include the results of assessments that have been found to be not consistent with nationally recognized professional and technical standards.

G. The Plan Must Assure Use of Annual High Quality Student Assessments that Are Aligned with Challenging Standards

Dual Purpose of Assessments:

- Guage the progress of individual students
- Determine if LEAs and schools are making adequate progress

Each state plan must demonstrate that the state has developed or adopted a set of high quality, yearly student assessments. These assessments have a dual purpose: The results are to be used 1) to gauge the progress of individual students and assist in shaping instructional programs to individual needs, and 2) as the primary means of determining whether LEAs and schools are making adequate progress in enabling their students to meet challenging standards.

The assessments described in the state plan must meet specific criteria as described in chapter 2 of this book. Primarily, the assessments must be aligned with the state's challenging content and performance standards. In addition, the Title I assessments must be the same assessments used by the state to measure the performance of all children, if the state measures such performance. Finally, these assessments must be used for purposes that are "valid and reliable" for the assessments, and they must be consistent with relevant, nationally recognized professional and technical standards for those assessments.

States Must Assess Students At Least Once During:

- Grades 3-5
- Grades 6-9
- Grades 10-12

The state plan must establish that assessments will be developed or adopted in at least the subjects of mathematics and reading or language arts. States must assess students at least once between grades 3 and 5, between grades 6 and 9, and between grades 10 and 12. States must provide for the participation of all students in the grades being assessed, not just Title I students.

In an attempt to assess limited English proficient students reliably, these students must be assessed, "to the extent practicable," in the language and form most likely to yield reliable information. Therefore, the state plan must identify any languages other than English that are present in the participating student population and indicate the foreign languages for which assessments are needed.

The state must make every effort to develop non-English language assessments; however, it may request assistance from the Department of Education in obtaining necessary foreign language measures. To use assessment results as one of the "multiple measures" a state may use to demonstrate the yearly progress of its LEAs or schools, the state plan must include information regarding the state's efforts to validate the assessments that are inconsistent with nationally recognized professional and technical standards.

H. Timeframe for Developing Standards and Assessments

A complicated timeline dictates deadlines for developing acceptable standards and assessments. With regard to standards, a state that does not have challenging content or performance standards for all children in at least mathematics and reading or language arts must develop those standards for Title I children by the beginning of the 1997-98 school year. If a state does not produce acceptable standards by this date, the state must adopt a set of standards in these subjects that are the same standards in other state plans the Secretary has approved. If and when a state eventually develops or adopts standards for all children, then the state must use those standards for Title I purposes, as well.

With regard to assessments, a state that does not have acceptable high quality assessments, in at least mathematics and reading or language arts, must develop and field test such assessments by the beginning of the 2000-2001 school year. The state may use the one year preceding this deadline for the field testing of such assessments. An extension of one year may be obtained for testing new assessments if the state submits a strategy to correct the problems identified in the field testing, moving the deadline back to the beginning of the 2001-2002 school year. If, at the end of this deadline, the state has not developed acceptable assessments, the state shall adopt a set of assessments that are the same assessments the Secretary has approved in other state plans. In addition, the state must develop benchmarks of progress toward the development of assessments that meet the requirements of Title I.

I. Development of Transitional Assessments

During the period that assessments are being developed, a state must utilize a transitional set of yearly statewide assessments. According to the statute, the only requirement applying to transitional assessments is that they must evaluate the "performance of complex skills and challenging subject matter." Transitional assessments do not need to meet the other requirements of Title I. While the statute places few restrictions on the development and use of transitional assessments, the regulatory process may add substantive requirements to these important assessments.

For the purpose of accountability under transitional assessments, the state must devise a procedure for identifying LEAs and schools in need of program improvement for any year in which the state is using transitional assessments. These identifying procedures must rely on accurate information about the academic progress of each LEA and school. The consequences of being identified for program improvement are discussed extensively in chapter 4.

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J. Coordination Must Be Focus of Plan

Title I was intended to complement other federal education laws, not to compete with them. While Goals 2000 established a new framework for providing educational services, Title I fills in that framework by refashioning federal programs to supplement state and local school reform efforts. To enhance coordination among these laws, the state plan must contain programs and requirements complementary to the requirements of other programs under ESEA, Goals 2000, and other applicable statutes. One example of this emphasis on coordination is the allowance of consolidated state plans, as discussed earlier in this chapter.

Reauthorized Title I encourages the participation of a wide variety of parties in developing and implementing programs. The state plan, for example, must be developed in consultation with LEAs, teachers, pupil services personnel, administrators, other staff, and parents.

Title I emphasizes the integration of academic and vocational learning by requiring states to coordinate Title I activities with school-to-work, vocational education, cooperative education and mentoring programs, and apprenticeship programs involving business, labor, and industry. The state plan must provide assurances to this effect.

K. State Must Pledge Support of Local Efforts

To enhance the efficiency and effectiveness of local educational programs, the state must provide assurances of its support of local education efforts. Each state plan must describe how the state will assist participating LEAs or schools in meeting local school improvement responsibilities, including necessary corrective actions. This assistance will be provided primarily through school support teams established as part of a statewide system of support, as discussed in chapter 4. The state plan must provide assurances regarding establishing these support teams and providing any necessary professional development. The plan must contain an explanation of how the state will help the LEA produce an acceptable schoolwide program or targeted assistance school program. The requirements for these programs are discussed extensively in chapter 3 of this book.

With regard to schoolwide programs, the state plan must contain assurances it will encourage the pooling of funds from federal, state, and local sources for schoolwide reform in schoolwide programs. Furthermore, the plan must assure that the state will notify the LEA and the public of the standards and assessments developed under Title I and of the authority to operate schoolwide programs. The state plan must pledge that the least restrictive and least burdensome regulations will effect LEAs and individual schools participating in a state program.

L. Technical Assistance and Professional Development

Technical assistance and professional development are critical components of Title I and must be addressed in each state plan. Every plan must contain the state's pledge of support at the local level by providing technical assistance for professional development in LEAs and schools. This technical assistance must be demonstrated, particularly with regard to the state support system, discussed in chapter 4, and professional development requirements, discussed in chapter 7. Where an educational service agency (ESA) exists, the state must consider providing professional development and

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technical assistance through that agency. Where such an agency does not exist, the state must consider using other cooperative agreements, such as a consortium of LEAs.

M. Committee of Practitioners

Under the reauthorized law, the Committee of Practitioners will continue to be involved in overseeing Title I programs. The state plan must assure that the Committee of Practitioners will be involved substantially in developing the plan and that it will monitor the state's implementation of the plan.

Committee of Practitioners

- Administrators
- Teachers (including vocational educators)
- Parents
- Local school board members
- Representatives of private school children
- Pupil services personnel

This state committee is made up of a diverse and skilled group of individuals, and a majority of its members are representatives from local educational agencies. Members of the committee include administrators, teachers (including vocational educators), parents, members of local boards of education, representatives of private school children, and pupil services personnel. One of the purposes of the committee is to advise the SEA in strategies for carrying out Title I responsibilities. The Committee of Practitioners is responsible for reviewing a proposed or final state ESEA rule or regulation prior to its publication. In an emergency situation, when the rule or regulation must be issued quickly to assist LEAs with operation of a Title I program, the SEA may issue a regulation without consulting the committee prior to publication. However, the committee must immediately convene to review the emergency regulation prior to issuing the rule in final form.

N. State Discretion Preserved

The discretion of state administrators is reflected in the state plan: The plan may contain "such factors the State deems appropriate" to provide students the opportunity to achieve the knowledge and skills described in the challenging content standards adopted by the state.

The statute provides that these "factors" could include opportunity-to-learn standards or strategies developed under the Goals 2000 Act. The issue of whether opportunity-to-learn standards should be mandatory or optional was one of the more contentious issues debated during reauthorization. Consensus formed around having optional standards and this decision was codified in a strong statutory provision: Nothing in the Act requires an SEA, LEA, or school to implement opportunity-to-learn standards or any other strategies developed by a state under the Goals 2000: Educate America Act.

O. Secretarial Approval of Plan Is Required

All state plans must obtain Secretarial approval before a state can participate in Title I. Each state plan must be reviewed by a peer review body consisting of parents, teachers, and administrators. While the peer review body makes a recommendation on the state plan, the Secretary makes the final determination on all plans. The Secretary cannot withhold approval without 1) offering a state the opportunity to revise its plan, 2) supporting the state with technical assistance, and 3) providing the opportunity for a hearing. While the Secretary may fail to approve a state plan, the Secretary

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may not require the state to make specific changes in the content standards or assessments as a condition of plan approval.

P. Funds Spent by the State To Administer Federal Education Programs Cannot Be Greater Than Funds Spent by the State To Administer Non-Federal Education Programs

Title I requires that the funds a state spends to administer federal education programs must be less than the funds spent to administer non-federal education programs. The statute requires that the SEA's aggregate state expenditure for the operation of elementary and secondary education programs must be greater than the SEA's aggregate federal expenditure for the state operation of all federal elementary and secondary education programs.

If this fiscal requirement is not met, then the state plan must include assurances that this requirement will be met by October 1, 1998.

Q. Perpetual Duration of State Plan

Under Chapter 1, a state application had to be regularly resubmitted in order to remain eligible for Chapter 1 participation. Under the reauthorized law, the state plan remains in effect for the duration of the state's participation in Title I programs. The state may revise the plan periodically to reflect changes in its strategies and programs. If significant changes are to be implemented, the state must inform the Secretary of those changes.

III. Local Educational Agency Plan

A. Introduction and History of Local Planning Requirements

Implementation of Title I policy and methodology occurs at the local level. As Congress stated in the introduction to the reauthorized law: "Decentralized decision making is a key ingredient of systemic reform. Schools need the resources, flexibility, and authority to design and implement effective strategies for bringing their children to high levels of performance." The agency most directly responsible for the success of the schools is the local educational agency. Under the new law, LEAs are granted the flexibility to implement effective programs while remaining accountable for the success of these projects.

B. Local Educational Agency Must Submit a Plan Describing Strategies for Coordinated and Effective Programs

To participate in Title I programs, each LEA must have an approved plan on file with the state explaining how it will meet the state's content and student performance standards. This plan must be coordinated with other programs under ESEA, Goals 2000, and any other relevant acts. The local plan, as well as the state plan, must include input from diverse parties in developing local programs and strategies. Each LEA plan must be developed in consultation with teachers (including vocational instructors), parents, and pupil services personnel.

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C. An LEA Plan May Be Submitted as Part of a Consolidated Application

As permitted with state plans, the LEA plan may be submitted as part of a consolidated application, whereby an LEA receiving funds under more than one covered program may submit plans to the state on a consolidated basis. An SEA that has submitted and received approval of a consolidated state plan under section 14302 may require its LEAs to submit consolidated local plans under the covered programs.

In reviewing the LEA's consolidated plan, the SEA must require only descriptions, information, assurances, and other material that is absolutely necessary for the consideration. In addition, the LEA must have a single set of assurances on file with the SEA that apply to each program for which a plan is submitted.[5]

D. The Plan Must Contain Any Additional Assessments or "Other Indicators"

The LEA plan must describe any additional high quality student assessments, other than the assessments described in the state plan. These local assessments may be used for the following purposes: 1) to determine the success of children in achieving the state's challenging content and performance standards, 2) to provide information to teachers, parents, and students on progress in meeting those standards, 3) to assist in diagnosis, teaching, and learning in ways that best enable children to meet those standards, and 4) to determine what project revisions are needed to ensure that state standards are met.

Uses of Local Assessments:

- Determine success of children in achieving the state's challenging content and performance standards
- Provide information to teachers, parents and students on progress in meeting standards
- Assist in diagnosis, teaching and learning in ways that best enable children to meet the standards
- Determine what project revisions are necessary

At the LEA's discretion, the plan also should describe any "other indicators" that will be used for the aforementioned reasons. These "other indicators" could include rates of attendance, graduation, school-to-work or school-to-college transition, and dropout.

E. Poverty Criteria Must Be Described in LEA Plan

The plan submitted by the LEA must include a description of the poverty criteria used to measure income within "eligible school attendance areas," as described in detail in chapter 3. The LEA may use any of the following measures of the term "poverty": a) the number of children ages 5 through 17 considered to be living in poverty according to the most recent census data approved by the Secretary, b) the number of children eligible for free and reduced price lunches under the National School Lunch Act, c) the number of children in families receiving assistance under AFDC, d) the number of children eligible to receive Medicaid assistance, or e) a composite of the aforementioned measures.

[5] The specific assurances are listed in detail in §14306 of the ESEA.

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F. LEA Plan Must Generally Describe Targeted Assistance, Schoolwide, and Other Specialized Educational Programs

The LEA plan must provide a general description of schoolwide and targeted assistance school programs. The detailed requirements for these two central components of Title I are analyzed in chapter 3 of this book. Schoolwide programs command more importance in the new law than under Chapter 1 and, due to their flexibility, are really the centerpiece of the Title I program. The eligibility criteria for sponsoring a schoolwide program has been greatly expanded from districts where 75 percent of students live in poverty under Chapter 1 to 60 percent of students in poverty under Title I and dropping to 50 percent in 1996. The local plan must generally describe schoolwide programs in those schools, that will participate.

With regard to targeted assistance schools, the plan must include a description of how teachers, in consultation with parents, administrators, and pupil services personnel, will identify the eligible children most in need of services. Under the requirements for a targeted assistance program, schools identify eligible children on the basis of multiple, educationally related, objective criteria established in the LEA plan. This provision marks a significant change from Chapter 1, where districts were responsible for identifying students based on subjective criteria.[6] Any objective criteria used by the school must be identified in the LEA plan.

Where appropriate, the LEA plan should include a general description of educational services available to all eligible homeless children, as well as neglected and delinquent children who live in local institutions or attend community day school programs. In addition, the educational needs of migratory children must be addressed in the LEA plan. The plan must describe how the LEA will ensure that migratory children will be selected to receive Title I services to which they are entitled.

G. Coordination Among Title I and Other Programs Is Central Focus of Local Plan

Coordination is the central focus of local plans submitted under Title I. By concentrating on coordination at the local level, Title I attempts to increase program effectiveness, eliminate duplication, and reduce the fragmentation of children's instructional programs. As with the state plan, the district plan must further coordination among the various programs that serve the student population at issue. To enhance coordination, the LEA plan must describe how the district will integrate services provided under Title I with other educational programs at the district or individual school level. Specifically, Title I programs must be integrated with services for preschool children (through Head Start and Even Start), children with limited English proficiency, disabled children, immigrant children, migratory children, homeless children, neglected and delinquent youth, and youth at risk of dropping out of school. This integration effort also affects plans for the transition of participants from preschool programs to local elementary school programs, and later to vocational education programs and school-to-work transition programs.

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[6] Under Title I, subjective criteria are retained only for children in preschool through second grade who are chosen for targeted assistance solely on the basis of the judgment of the teacher, interviews with parents, and other developmentally appropriate measures.

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Title I specifically focuses on coordination with preschool programs and requires that the local plan include a description of how the LEA will use Title I funds to support preschool programs, particularly Head Start or Even Start. These services may be provided directly by the agency or through a subcontract with the local Head Start agency or another comparable public early childhood development program.

The LEA must make explicit assurances regarding the coordination of programs and services. Emphasizing the centerpiece of schoolwide programs, the LEA plan must contain assurances that it will inform eligible schools and parents of schoolwide project authority and provide technical assistance and support to schoolwide programs. The LEA must pledge to work in consultation with schools that are developing a schoolwide or targeted assistance program, so that each school will make "adequate yearly progress" toward meeting the state standards. The LEA also must pledge to fulfill its school improvement responsibilities, which include taking corrective action against deficient schools. The local plan must contain assurances that the district will coordinate and collaborate with other agencies providing services to children, youth, and families, including health and social services. Additionally, the LEA must pledge to consider the experience of model programs for the educationally disadvantaged.

In its plan, the LEA must promise to consider the findings of relevant research concerning program effectiveness on young children. The LEA must make assurances that, beginning in fiscal year 1997, if it chooses to use Title I funds to provide early childhood development services to low-income preschool children, these services will comply with the performance standards established under the Head Start Act.

H. Professional Development Activities Must Be Addressed in Local Plans

The importance Title I places on the expanded role of professional development for LEAs is clear: Professional development requirements merit an entire separate section of Title I. (These professional development provisions are analyzed in chapter 7.) The priority of these requirements is reflected in the LEA plan: Each plan must contain a description of the LEA strategy to provide professional development to teachers, pupil services personnel, administrators, parents, and other staff.

Furthermore, in the state's review of local plans, the state is directed to examine proposed professional development activities to ensure that the school district will meet all relevant requirements. Specifically, professional development must be tied to the state's challenging content and performance standards. The activities must reflect research on teaching and learning, where possible, and be designed to have a positive impact on the teacher's performance in the classroom. The strategies must include methods of teaching children with special needs and must involve gender-equitable education methods, techniques, and practices. These activities should contribute to continuous improvement in the classroom or throughout the school and must be developed with the extensive participation of teachers. LEAs are directed to combine Title I resources with funds available from the Dwight D. Eisenhower Professional Development Program and from Goals 2000 in order to increase the funding available within a school district for professional development. If the LEA plan does not address the objectives described immediately above, the SEA must provide technical assistance to the LEA so that its plan will reflect these components of professional development under Title I.

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I. Equitable Services to Private School Children Must Be Assured in LEA Plan

As discussed in chapter 8, Title I requires the LEA to provide services on an equitable basis to educationally disadvantaged children attending private elementary and secondary schools. The LEA plan must include assurances that these equitable services will be provided to eligible children. The LEA must engage in timely and meaningful consultations with the private school officials regarding the provision of such services.

J. Local Plan Must Be Approved by SEA

The LEA plan must meet a relatively high standard to be approved by the state. The SEA shall approve the local plan only if it determines that the plan will enable participating schools to "substantially help" children receiving Title I services meet the standards expected of all children. In addition, the SEA is specifically directed to review the plan to determine if the agency's professional development activities are in accordance with the requirements of the section on professional development.

K. Perpetual Duration of Local Plan

As with the state plan, the LEA plan will remain in effect for the duration of the LEA's participation in Title I programs. This plan must be periodically reviewed and revised to reflect the changes in the LEA's strategy and programs.

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Chapter 2

Assessments For Title I Programs

I. Introduction and History of Student Assessments

In the history of the Chapter 1/Title I program, many provisions of the law were progressively updated in each reauthorization. The philosophy behind student assessments, however, has rested on a 1970s educational theory: Progress toward a national average on conventional achievement tests is the relevant standard for children in high-poverty schools. According to this antiquated theory, school districts used norm-referenced achievement tests for multiple purposes, including student eligibility and identification; instructional feedback and diagnosis; and national, state, and local accountability.[1]

While Chapter 1 mandated extensive use of norm-referenced standardized tests, these assessments often produced results that inaccurately reflected the progress of individual students and hindered accountability efforts. Standardized tests are designed to be independent of the local curriculum and, therefore, do not identify specific problems in the local program for teachers to correct. Moreover, a multiple-choice test format rewards the teaching and learning of test-taking skills that do not contribute to productive academic or vocational learning.[2] It is difficult if not impossible to address the special problems of students with limited English proficiency or disabilities through standardized, norm-referenced tests.

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1 U.S. Department of Education, Office of Policy and Planning, Planning and Evaluation Service, Reinventing Chapter 1: The Current Chapter 1 Program and New Directions, Final Report of the National Assessment of Chapter 1 (Washington, D.C.: Author, February 1993), p. 156. (hereinafter "Final Assessment")

2 Final Assessment, p. 157.

Student assessments under the reauthorized Title I reflect new thinking in education policy. The revised assessment requirements emphasize advanced skills, link assessments to curriculum standards, and relate testing material to course content. Title I uses performance-based assessment systems that involve multiple performance indicators, which produce results specific to special population groups, such as limited English proficient or disabled students. As they did under Chapter 1, assessments serve two broad purposes under Title I: 1) Evaluation of Students—assessments measure the progress of individual students, and 2) Accountability of Programs—assessment results are used to hold states, districts, and schools accountable for the success of Title I programs. This chapter explains the requisite content of Title I assessments and permissible uses of assessment results.

II. Title I Requirement of High Quality Yearly Student Assessments

A. High Quality Student Assessments Must Be Developed by the State

Title I requires that all states develop "a set of high quality, yearly student assessments."[3] These state-developed assessments must be described in the state's Title I plan, as explained in chapter 1. Title I permits the local agency to implement its own sets of local assessments, in addition to using the state assessments, which must be outlined in the LEA Title I plan. By allowing the local agency to develop assessments, Title I enables student assessments to better reflect the content of the local curriculum. Accountability should improve since these state and local assessments are the primary means of determining whether LEAs and schools are making adequate progress in enabling their students to meet the challenging standards.

State-developed student assessments must be adopted in at least mathematics and reading or language arts. Assessments in these subjects complement the state content and performance standards, which must be developed in the same subjects. While standards are only required in mathematics and reading/language arts, Congress did not intend to limit the exposure of Title I children to other subject matter, or to preclude the use of multidisciplinary approaches to these subjects. The state could supplement the standards in mathematics and reading/language arts as other standards are developed, implementing aligned assessments as needed.

B. Content of Assessments

The content of assessments required under Title I is specifically outlined in the statute. In an effort to hold Title I children to high expectations, Title I assessments must be the same assessments used by the state to measure the performance of all children, if the state measures such performance. The assessments must be aligned with the state's challenging content and performance standards and provide coherent information about student attainment of those standards. Acceptable high quality

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[2] During negotiated rulemaking, the Department proposed that a state may meet this requirement by either: 1) developing a single statewide set of assessments that is used by all LEAs, or 2) approving assessments developed by LEAs or individual schools if the state determines that those assessments meet the requirements of this section. The prospect of having each LEA or school in a state develop its own set of assessments drew strong dissention from some negotiators and no consensus was reached on this issue.

[3] Final Assessment, p. 67.

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assessments must evaluate students' higher order thinking skills and understanding as well as accommodate students with diverse learning needs.

States must use the high quality assessments to measure the proficiency of students in the specified academic subjects at least once during each of the three periods: between grades 3 and 5, between grades 6 and 9, and between grades 10 and 12.

As explained in the introduction, Chapter 1 assessments did not accurately evaluate the progress of a great many Chapter 1 students. For example, Chapter 1 served a greater number of limited English proficient students than the federal bilingual education program targeted toward such students,[4] yet the norm-referenced achievement tests under Chapter 1 did not account for language difficulties. Title I remedies this problem by requiring states, to the extent practicable, to assess limited English proficient students in the language and form most likely to yield reliable information about their knowledge and abilities. Each participating state must identify any languages other than English that are present in the participating student population and indicate the foreign languages for which assessments are needed. States have primary responsibility for developing any non-English language assessments; however, the Department of Education must assist the state in obtaining these measures, if the state requests them.

The reauthorized law recognizes that assessment results of children who have frequently changed schools are not always an accurate reflection of an individual school's success in educating these children. Children who have moved in one academic year to various schools within a single LEA are subject to the assessments outlined in the state plan. However, Title I requires that the children's performance is only to be considered in determining the progress of the LEA, not the individual school.

Acceptable Title I assessments must be consistent with relevant, nationally recognized professional and technical standards. If the state's assessments are not consistent with these standards, then the results have only limited use, as discussed later in this chapter.

C. Timeframe in Developing Assessments

A state that does not have acceptable high quality assessments in at least mathematics and reading or language arts, must develop and field test such assessments by the beginning of the 2000-2001 school year. The state may use the one year preceding this deadline to field test such assessments. A one-year extension may be obtained to test the new assessments if the state submits a strategy to correct the problems identified in the field testing, moving the deadline back to the beginning of the 2001-2002 school year. If, at the end of this deadline, the state has not developed acceptable assessments, the state shall adopt a set of assessments that the Secretary has approved in other state plans. In addition, the state must develop progress benchmarks toward the development of assessments that meet the requirements of Title I.

D. Transitional Assessments

During the period that assessments are being developed, a state must use a transitional set of yearly statewide assessments. As discussed in the first chapter of this manual, according to the statute, the only requirement applying to transitional assessments is that these must evaluate the "performance

of complex skills and challenging subject matter." Transitional assessments do not need to meet the other statutory requirements of Title I, including requirements to disaggregate results, measure adequate yearly progress, assess certain grade levels, and test specific academic subjects. While the statute places few restrictions on the development and use of transitional assessments, more substantive requirements may be applied to transitional assessments through the regulatory process.

E. Results of Assessments

Under Title I, the results of high quality student assessments must provide both interpretive and descriptive reports on individual students. These reports may include student scores; however, Title I allows for the assessment reports to provide "other information on the attainment of student performance standards" as well. This allowance of "other information" opens the door for alternatives such as performance-based assessments.

Under Chapter 1, student assessment results were produced in an aggregated form to demonstrate the average progress of Chapter 1 students toward national average standards. These aggregated results made it impossible to identify problems experienced by specific groups of students and, in fact, could have camouflaged a small low-achieving group. Further, aggregated results made it difficult to tailor the program to meet individual needs.

In contrast, Title I requires the results of assessments to be disaggregated. To gauge if Title I programs are adequately serving diverse segments of the student population, assessment results must be broken down within each state, LEA, and school into the following categories: gender, major racial and ethnic group, English proficiency status, migrant status, disabled versus non-disabled students, and economically disadvantaged versus non-economically disadvantaged students. These disaggregated results make the state, LEA, and school accountable for the effectiveness of programs for these formerly unidentified segments of the student population.

The requirement of disaggregating assessment results has stirred much controversy in the education community. Advocates of disaggregated results assert that they facilitate more effective improvement strategies targeted toward certain failing groups. These results foster more effective public communication about the academic success of specific segments of students in the community. In contrast to these benefits, opponents of disaggregation cite a concern that performance-based assessments will not produce accurate disaggregated results, since performance-based results are more difficult to quantify in an easily comparable form. Furthermore, in relatively small student populations, disaggregated results may identify an individual student's results, thereby violating his or her privacy. To address this concern, any disaggregated results must be "statistically sound" before publication; however, this term is not defined in the statute.

F. Uses of Assessment Results

Title I contains many safeguards against using assessment results for unreliable purposes. The statute explicitly requires a state to use assessments only for purposes "for which such assessments are valid and reliable." This provision remedies problems experienced under Chapter 1, where norm-referenced tests were extensively mandated under the law. As a result, districts used the same test data for multiple purposes rather than administering more tests.[5] Valid tests were used in

[5] Final Assessment, p. 157.

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unacceptable ways, creating unreliable data and inaccurate evaluations.

Under Title I, special rules apply to the results of assessments that do not meet relevant, nationally recognized professional and technical standards. If the state's assessments are not consistent with these standards, then the assessment results have a limited use. These results may be one of the "multiple measures" used by states to demonstrate the "adequate yearly progress" of Title I programs. To use assessment results in this fashion, the state plan must include information regarding the state's efforts to validate the quality of these assessments.

The use of assessments developed at the local and state level also are regulated by Title I. Any high quality local assessments listed in the local plan may be used to determine the success of children in meeting the state's standards, and to provide information to teachers, parents, and students on the progress in meeting those standards. The local assessments also may be used to assist diagnosis, teaching, and learning in ways that best enable children to meet the state standards and to do well in the local curriculum. Finally, these local assessments may be used to determine what revisions are needed to meet state standards.

Chapter 3

Implementing Title I Policy: Eligibility, Schoolwide Programs, and Targeted Assistance

The reauthorization of Chapter 1 involved nearly a year of intense congressional debate over how best to educate America's impoverished and educationally disadvantaged children. These contentious discussions resulted in a law that contains cutting-edge policy and strategy for accomplishing a vast undertaking. The efficient and effective implementation of the Title I policy is crucial to the success of the reauthorized program.

Implementation of the new law occurs through two primary vehicles: schoolwide programs and targeted assistance programs serving educationally disadvantaged children.

Schoolwide programs enhance the entire educational program of a school without narrowing service to just Title I students. Targeted assistance programs serve only students who are identified as educationally disadvantaged, and therefore eligible for Title I services. The new Title I attempts to minimize the time children are removed from the regular classroom during school hours, and instead focuses on extending instructional time for each child.

This chapter focuses on the requisite components of schoolwide projects and the requirements for targeted assistance programs. Title I eligibility requirements and school choice provisions also are discussed.

I. Eligible School Attendance Areas

A. Introduction and History of Eligibility Criteria

Under Chapter 1, each school district had broad discretion over how to distribute Chapter 1 funds. This discretion resulted in money being heavily directed toward elementary schools: In 1992, 72 percent of Title I participants were in grades 1-6.[1] Title I remedies this imbalance by requiring that funds first serve the areas of greatest poverty, regardless of grade span. Before serving other schools, LEAs are required to serve all schools where at least 75 percent of the students in their attendance area live in poverty. This provision helps ensure greater participation of the highest poverty schools at all levels in Title I programs (See Chart 2).

As explained later in this section, Title I funds are only to be distributed to "eligible school attendance areas," where the percentage of low-income families with children living in that area is greater than the percentage of low-income families in the entire LEA. Title I further requires that funds be distributed in a double-rank order, another method for concentrating funds in areas of greatest poverty. The LEA is given some flexibility to choose how to define the measure of "poverty." Finally, certain provisions allow some deviation from these rank orders.

B. Title I Funds Are Distributed to Eligible School Attendance Areas in Rank Order of Greatest Poverty Regardless of Grade Span

For Title I purposes, "school attendance area" is the geographic area where the children served by a particular school reside. An "eligible school attendance area" is one where the percentage of children from low-income families attending one particular school is at least as high as the percentage of children from low-income families in the LEA as a whole.

Title I resources are limited and LEAs frequently lack funds to serve all eligible school attendance areas. If the funds to be allocated are insufficient, then the LEA must first focus on eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent. Those attendance areas must be ranked annually, from the highest percentage of impoverished children to the lowest. This ranking must occur without regard to grade span,[2] a shift from Chapter 1 where elementary schools received the most funding. This new criteria is to ensure that highest poverty middle and high schools also receive Title I services. Once this rank order is established, Title I funds shall be distributed to eligible school attendance areas according to established order and pursuant to relevant allocation provisions.

If funds remain after distribution to the areas where the concentration of children from low-income families exceeds 75 percent, the LEA shall rank annually the remaining eligible school attendance areas from highest to lowest either by grade span or according to the percentage of children from

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1 U.S. Department of Education, Office of Policy and Planning, Planning and Evaluation Service, National Assessment of the Chapter 1 Program: The Interim Report (Washington, D.C.: June 1992) p. 152. (hereinafter "Interim Report")

2 As under Chapter 1 policy, a "grade span" is a natural grouping of grade levels reflecting the make-up of schools within that LEA, such as elementary, junior high, senior high, or even K-3, if that school exists in the LEA.

Chart 2.

Poverty Level of School

1 0%

LEA must rank all schools regardless of grade level

75%

LEA may rank schools with regard to grade level

(may rank elementary, then intermediate, then secondary schools)

1) Determine poverty of attendance areas

2) Rank attendance areas

3) Serve in rank order

low-income families within the entire LEA. The LEA must then distribute remaining funds according to the chosen rank order (See Chart 2).

C. LEA Has Minor Discretion in Measuring Poverty

The LEA is given some responsibility for determining distribution of funds to the district's schools. Part of this discretion lies in the LEA's ability to define the term "poverty." The definition of this term must be described in the LEA's plan, as discussed in the first chapter.

Measures for Determining "Poverty":

- Number of children ages 5-17 determined to be in poverty according to census data approved by the secretary
- Number of children eligible for free and reduced lunches
- Number of children in families receiving assistance under AFDC
- Number of children eligible to receive Medicaid assistance
- A composite of the above measures

The statute describes the poverty measures the LEA may rely on and allows for a composite of these measures. This discretion provides flexibility at the local level, and allows the LEA to coordinate definitions between various programs already in effect. The LEA may use any of the following five measures of the term "poverty": 1) the number of children ages 5 through 17 considered to be living in poverty, according to the most recent census data approved by the Secretary; 2) the number of children eligible for free and reduced price lunches under the National School Lunch Act; 3) the number of children in families receiving assistance under AFDC; 4) the number of children eligible to receive Medicaid assistance; or 5) a composite of the above measures.

The LEA must use the same measure of poverty to identify eligible school attendance areas, determine the ranking of each area, and determine the allocation of funds under Title I. Negotiated rulemakers agreed that the LEA may use a different measure of poverty to determine eligibility for schoolwide projects. This flexibility is intended to give more schools the option to offer these important programs.

D. LEA Has Discretion To Depart from Rigid Definition and Determine Which Schools Will Receive Funds

An LEA has some discretion to depart from the rigid definition of "eligible school attendance area" and determine which schools will receive Title I funds. An LEA now may make any of the three determinations described below:

First, the LEA may designate as eligible any school or school attendance area in which at least 35 percent of the children are from low-income families. Significantly, this percentage can apply to either the school or the attendance area.

Second, the LEA can direct funds toward a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of the LEA.

A third LEA option is to enhance coordination of Title I programs, avoid duplication of services, and eliminate overlapping funds. Under this coordination provision, the LEA may elect not to

serve an eligible school attendance area or eligible school if the school meets the following three fiscal requirements:

1) The school meets the "comparability" requirements of Title I, which generally require that Title I services be a) at least comparable to services in schools that are not receiving Title I funds, and b) substantially comparable in each participating school.
2) The school is receiving supplemental funds from other state or local sources that are spent according to the schoolwide program or targeted assistance program requirements.
3) Funds expended from state and local sources, under (2) above, equal or exceed the amount of funds that would be provided under this section.

These fiscal requirements are discussed in detail in chapter 9 of this manual.

E. Ranking and Poverty Indicators Not Applied to an LEA with Less than 1,000 Students

The ranking requirements and poverty indicators described in this section only apply to LEAs with a total enrollment of at least 1,000 children. This exemption for small school districts is particularly significant as it affects 45 percent of all LEAs.[3] In debating this provision, Congress expressed concern that this exemption might result in rural states made up almost entirely of school districts with less than 1,000 students not achieving intended target levels. To address this concern, the Secretary is required to work with and encourage LEAs with less than 1,000 students to target Title I funds to the neediest schools and students in ways appropriate for smaller districts.[4]

F. Allocation of Funds by Local Educational Agency to Eligible Attendance Areas and Schools

After the LEA has established which areas and schools will be served and in what order, in accordance with the Title I requirements described above, it has the responsibility of distributing funds to eligible school attendance areas or eligible schools. Under Chapter 1, allocation of funds among eligible schools was based on the educational need and number of low-income children to be served: Schools received funds based on the number of children meeting the district's definition of low achievement. This method of targeting created a destructive incentive: As student achievement rose, school funding decreased. The allocation arrangement penalized schools that enhanced the success of students and rewarded schools that maintained poor or mediocre student performance.

Title I allocation provisions reverse these achievement disincentives. As a general rule, the LEA is required to allocate funds to eligible school attendance areas or eligible schools, as identified according to the poverty indicators and ranking criteria, in rank order on the basis of total number of children from low-income families in each area or school. Therefore, schools receive funding based on the poverty level of its students rather than on low achievement. Although eligible children are still selected based on achievement level, this is not an allocation factor in targeted assistance schools. Targeted assistance eligibility is analyzed later in this chapter.

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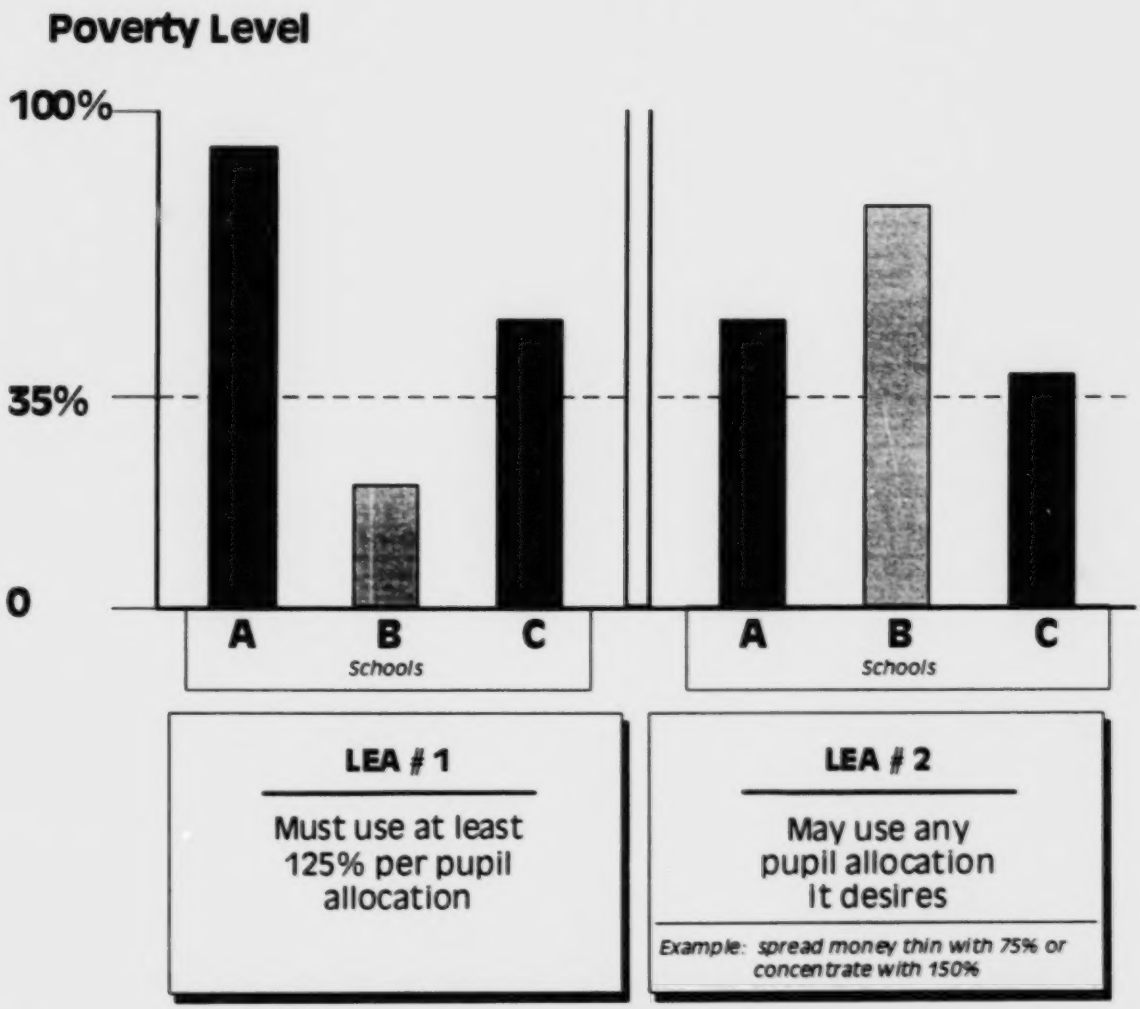
[3] Joint Explanatory Statement of the Committee of Conference, Title I, Part A, No. 188.
[4] *Id.*

In LEAs that serve schools where less than 35 percent of children come from low-income families, Title I directs funds to the highest poverty schools and attendance areas in the LEA. The Title I per-pupil amount of funds allocated must be at least 125 percent of the per-pupil amount of funds the LEA received that year under the poverty criteria described in the LEA plan. Because funds are distributed in rank order beginning with the highest poverty areas and schools, the per-pupil allocations of 125 percent result in LEA funds being concentrated in schools at the top of the ranking, with the highest degree of poverty.

The 125 percent per-pupil allocation requirement does not apply to LEAs that only serve schools with a poverty level of 35 percent or greater. In those LEAs, the district has the discretion to manipulate the per-pupil allocation to target certain schools in the ranked order. For example, if the LEA wanted to serve many schools in the LEA, then it could use a 75 percent per-pupil allocation. However, if the LEA wanted to target elementary schools that appear at the top of the rank order, then it may use a 150 percent per-pupil allocation so that only those attendance areas at the top of the rank are served. (See Chart 3. below.)

Chart 3.



One important caveat exists for this allocation. The LEA has discretion to reduce the amount of funds allocated to a school attendance area or school. This per-pupil amount can be reduced by the amount of any supplemental state and local funds expended on supporting schoolwide programs or targeted assistance programs in that school or attendance area.

G. The LEA Must Reserve Funds for Certain Students Attending Schools that Do Not Otherwise Receive Title I Funding

A goal of Title I is to serve all educationally disadvantaged children, even those attending schools that do not otherwise receive funding. To achieve that goal, the LEA shall reserve funds necessary to provide services to children in local institutions and community day school programs for neglected and delinquent children. In addition, where appropriate, the LEA must reserve funds for services to eligible homeless children who do not attend participating schools. This mandate includes providing educationally related support services to children in homeless shelters.

To ensure equitable service, services rendered to these children must be comparable to those provided to children in schools that are funded as part of an eligible school attendance area.

H. Waiver of Eligibility Criteria and Allocation Determinations for Desegregation Plans

Upon an LEA's application, the Secretary of Education may waive the eligibility criteria and allocation requirements of this section if a school operates according to a desegregation plan. An LEA qualifies for this waiver only if it meets the following three criteria: 1) The LEA contains a school that children attend in accordance with a state or court-ordered school desegregation plan. 2) The number of economically disadvantaged children enrolled in the school is at least 25 percent of the school's total enrollment. 3) The Secretary determines, upon requests from the LEA, that approval of the request would further the purposes of the Act. The statute permits the LEA to submit its written request directly to the Secretary and does not establish a role for the state educational agency in the waiver procedure.

II. Schoolwide Programs

A. Introduction and History of Schoolwide Programs

Schoolwide programs under Title I focus on integrating Title I children into the complete school program, rather than pulling them out of the regular classroom for special assistance.
Congress originally authorized schoolwide projects out of a belief that it made little sense for high-poverty schools to enforce requirements that the Chapter 1 program serve only Chapter 1 children. Research demonstrated that school poverty itself had a detrimental effect on student performance, over and above the influence of the student's own family poverty.[5]

Under Chapter 1, an increasing number of eligible schools took advantage of the opportunity to provide schoolwide programs. Between 1989 and 1991, the number of schoolwide projects across

[5] Interim Report, p. 91.

the country rose from 621 to 2,069.[6] Despite this increase only about one-quarter to one-third of eligible schools maintained such projects by June 1992.[7] Nearly 45 percent of the principals in schools eligible for Chapter 1 schoolwide projects were unaware this option even existed.[8] Remedying low participation in schoolwide programs was one goal of reauthorization.

The reauthorized program addresses many of the problems associated with Chapter 1 schoolwide. Under the new law, the LEA may use Title I funds, in combination with other federal, state, and local funds, to upgrade the entire educational program in a school. To remedy Chapter 1's low school participation rates in schoolwide programs, Title I also introduced broader eligibility criteria.

Significantly, schoolwide programs may operate free of many federal rules that could hinder students' educational advancement. Programs may request unique waivers by the Department of Education to many requirements of other federal noncompetitive formula grant programs. This waiver opportunity enhances the simplicity and flexibility of the reauthorized law. Implementation of schoolwide projects is an efficient use of federal dollars since administrators may experiment with various plans that could benefit all schools. The Department of Education has expressed great confidence in how the new schoolwide programs can lead to reform of the entire educational system. As the Department explained in its Reauthorization proposal, [by allowing schools to integrate their programs, strategies, and resources, Title I can become the catalyst to comprehensively reform the entire instructional program that children in these schools receive, rather than merely serving as an add-on to the existing program. For children in high-poverty schools to meet high standards of performance, their entire instructional program—not just a separate Title I program—must be substantially improved. Schoolwide programs can be the vehicle to do this.[9]]

B. Eligibility Criteria for Implementing Schoolwide Programs

Eligibility for schoolwide programs has been considerably expanded under the reauthorized law. Under Chapter 1, only a school with 75 percent of its students living in poverty would qualify to become a schoolwide project. As discussed in this section, the new eligibility threshold is lowered to 60 percent of students living in poverty for the 1995-96 school year, and then lowered further in succeeding years to 50 percent of students living in poverty. These lowered eligibility rates eventually will allow approximately 12,000 more of the poorest schools to develop schoolwide programs, for a total of over 20,000 schools.[10]

To be eligible for a schoolwide program under the new law, a school must 1) serve an eligible school attendance area where at least 60 percent of children are from low-income families (which drops to 50 percent in 1996), and 2) receive technical assistance from either the statewide system of support or some other provider.

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6 Interim Report, p. 94.

7 Interim Report, p. 94.

8 Interim Report, p. 94.

9 U.S. Department of Education, Improving America's Schools Act of 1993: The Reauthorization of The Elementary and Secondary Education Act (September 13, 1994) p. Title I-9.

10 U.S. Department of Education, Office of Policy and Planing, Planning and Evaluation Service, Reinventing Chapter 1: The Current Chapter 1 Program and New Directions, Final Report of the National Assessment of Chapter 1 (Washington, D.C.: February 1993), p. 107. (hereinafter "Final Assessment")

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To meet the specific percentage requirements for the 1995-96 school year, a school must serve an eligible school attendance area in which not less than 60 percent of the children are from low-income families, or where not less than 60 percent of the children enrolled in the school are from such families. The eligibility criteria broadens during the next school year. For the school year 1996-97 and subsequent years, a school will be eligible if it serves an eligible school attendance area in which not less than 50 percent of the children are from low-income families, or where not less than 50 percent of the children enrolled in the school are from such families.

The Department of Education has expressed an intention to broaden eligibility criteria even further by allowing the LEA to choose a different measure of poverty for determining eligibility in schoolwide programs.[11] This flexibility will allow participation of schools that might not be otherwise be eligible under the poverty measure the LEA used to identify and rank school attendance areas for eligibility and participation.

In addition to serving an eligible school attendance area and meeting percentage requirements, the school must demonstrate it is receiving technical assistance. An LEA cannot initiate a schoolwide program until the SEA provides written information demonstrating it has established the requisite statewide system of support and improvement as required by Title I and described in chapter 4 of this book. This requirement facilitates coordination among different Title I provisions, fostering rapid implementation of various Title I requirements.

Even if a school has not yet established a statewide system of support and improvement, a school may initiate a schoolwide program if it can demonstrate it has received high quality technical assistance and support from other assistance providers. These other providers could include comprehensive technical assistance centers, regional laboratories, colleges and universities, educational service agencies, or other local consortia. This exception enhances the efficiency of Title I by allowing flexibility where the goals of the statute are met.

C. Schoolwide Program Assistance Directed Toward All Children in School

A school that decides to implement a schoolwide program will not be required to target or even identify certain children as eligible for schoolwide services. The goal of schoolwide programs is to assist Title I students by improving the instructional program of the entire school, without targeting assistance to specified student groups in a disjointed, compartmentalized fashion.

This section creates a potential conflict with another statutory requirement for schoolwide programs. As a component of a schoolwide project, the school must "address the needs of all children, but particularly the needs of children who are members of the target population of any program that is included in the schoolwide program." Tension is created since a schoolwide program cannot target or identify particular children, yet must address the needs of the target population of other federal programs. Moreover, according to the statute, the needs of migrant and Indian children must be specifically served within a schoolwide program. The inconsistencies of these provisions could be problematic for implementing schoolwide projects.

[11] Consensus Rule from Negotiated Rulemaking, January 19, 1995.

D. Title I Funds May Be Used in Combination with Other Federal, State, and Local Funds

Title I explicitly allows an LEA to use Title I funds in combination with other federal, state, and local funds to upgrade the entire educational program through schoolwide projects. While funds may be combined, the requirements of these other federal, state, and local programs still must be met, unless a schoolwide waiver has been obtained from the Secretary.

E. Schoolwide Funds Must Supplement Funds from Non-Federal Sources

Title I schoolwide funds must supplement, not supplant, funds normally received from non-federal sources. These funds include dollars required to serve children with disabilities and limited English proficiency. This spending requirement is an additional and separate requirement from the Title I fiscal requirement section, which provides for supplementing-not-supplanting, as discussed in chapter 9 of this book.

F. Waivers Permitted Under Schoolwide Programs

One of the most radical innovations of Title I is the provision for schoolwide program waivers. Title I explicitly provides that a school may operate without the restrictions of some federal laws to assist in smoother implementation of schoolwide programs. The Secretary may exempt any schoolwide program from certain obligations imposed by statute or by regulation from any other noncompetitive, formula grant program, or from any discretionary grant program administered by the Department of Education. For clarification the Department of Education will publish a list in the *Federal Register* that names specific programs subject to the waiver provision in this section.

A schoolwide program can obtain a waiver of these program requirements only if the intent and purposes of those other programs are met. In addition, the schoolwide program must particularly address the needs of children who are members of the target population of any program included in the schoolwide program.

Only a school sponsoring a schoolwide program is relieved of the federal statutory and regulatory requirements. The LEA itself, in addition to any non-schoolwide programs within the LEA, are not relieved of the laws related to these other programs, and they maintain responsibility for meeting all relevant laws and regulations.

The statute enumerates one federal program in which no requirements can be waived: A schoolwide program cannot receive a waiver from grant requirements under the Individuals with Disabilities Education Act (IDEA). In addition, schoolwide programs must continue to address the identified needs of migratory children, as required under the Migrant Education Program (§1306(b)(3)). Finally, a schoolwide program may use funds under the Indian Education Program to support a schoolwide program only if 1) the Indian parent committee approves the use of funds for a schoolwide program, and 2) the schoolwide program is consistent with the purposes of the Indian education program (§9115(c)).

In addition to the waiver restrictions on these programs, certain statutory and regulatory requirements of any federal program cannot be waived by the Secretary. A schoolwide program cannot be

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exempted from federal requirements relating to health, safety, civil rights, gender equity, student-parent involvement, services to private school children, maintenance of effort, comparability of services, the use of federal funds to supplement not supplant, or the distribution of funds to SEAs or LEAs that apply to the receipt of funds from such programs.

The waiver available specifically to schoolwide programs is one of a number of important waivers available under the reauthorized law. Another important waiver is available to LEAs administering any kind of ESEA program, not just schoolwide projects. Under this general waiver, any SEA, LEA, or school (through the LEA), may apply directly to the Secretary of Education, and request a waiver from the requirements of any other parts of the ESEA, including any portions of Title I. In addition, SEAs and LEAs are encouraged to waive any of their laws, regulations, or policies that impede the effectiveness of Title I programs. Waivers are studied in detail in chapter 5 of this book.

G. Schools Must Devote Significant Funds to Professional Development

The importance of professional development is emphasized throughout the reauthorized law, and this is reflected in the requirements for schoolwide programs. Each school receiving funds to administer a schoolwide program during any fiscal year shall devote "sufficient resources to effectively carry out" professional development activities during that fiscal year, as required by this section. To carry out such activities, a school may enter into a consortium with another school.

H. Components of Schoolwide Programs

Schoolwide programs are organized around a set of components intended to enable children to meet the state's challenging content and performance standards. Eight mandatory components are broadly set out in the statute; within each component, the detailed requirements are numerous. The eight broad components of a schoolwide program are 1) a comprehensive needs assessment, 2) schoolwide reform strategies, 3) provisions for highly qualified staff, 4) provision for professional development, 5) strategies for increasing parental involvement, 6) plans to facilitate the transition from preschool to elementary school, 7) measures for including greater teacher input, and 8) strategies for providing assistance to struggling students. The following pages describe each component.

Components of a Schoolwide Program:

- Comprehensive needs assessment
- Schoolwide reform strategies
- Provisions for highly qualified staff
- Provisions for professional development
- Strategies for increasing parental involvement
- Plans to facilitate the transition from preschool to elementary school
- Measures for including greater teacher input
- Strategies for providing assistance for struggling students

1) Comprehensive Needs Assessment
Schoolwide programs must include a "comprehensive needs assessment" of the entire school, based on all the children's progress in meeting the state's challenging content and performance standards.

2) Schoolwide Reform Strategies

Strategies for schoolwide reform must be included in the program, which should help to advance the reform movement nationwide. The requisite strategies for schoolwide reform must include the following five elements:

a) All children must be provided with the opportunity to perform at the "advanced" or "proficient" levels of performance.

b) The reform strategies must be based on effective ways of improving children's levels of achievement.

c) Reform strategies must use effective instructional strategies and may include 1) the integration of vocational and academic learning (including applied learning and team teaching methods), 2) increases in the quantity and quality of time spent on learning from an enriched and accelerated curriculum (such as providing an extended school year, before- and after-school and summer programs), and 3) strategies for meeting the educational needs of historically under-served populations, specifically including the needs of girls and women.

d) Schoolwide reform strategies must address the needs of all children in the school, but particularly the needs of children in the target population of any program in the schoolwide program. The strategies must address how the school will determine if the needs of these children have been met. Children in the targeted populations may receive the following services: a) counseling, pupil, and mentoring services, b) college and career awareness and preparation[12], c) transition from school to work[13], d) gender-equitable methods and practices. As noted earlier, this requirement creates internal conflict within the statute since schoolwide programs are not authorized to identify or target particular students.

e) Schoolwide reform strategies must be consistent with, and designed to implement, any state and local improvement plans approved under Goals 2000 (Title III).

3) Provision for Instruction by Highly Qualified Staff

All schoolwide programs must provide for instruction by a highly qualified professional staff.

4) Support of Professional Development

The schoolwide program must provide for professional development for teachers and aides, and, where appropriate, for pupil services personnel, parents, principals, and other staff. Professional development is emphasized throughout Title I as a necessary ingredient to assist children in reaching the states' challenging student performance standard. This investment is essential to successful schoolwide programs.

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12 "College and career awareness and preparation" would include college and career guidance, comprehensive career development, occupational information, enhancement of employability skills and occupational skills, personal finance education, job placement services, and innovative teaching methods, which may include applied learning and team teaching strategies.

13 "Transition from school to work" would include the formation of partnerships between elementary, middle, and secondary schools and local businesses. Programs should attempt to integrate school-based and work-based learning. The requirement of including school-to-work services demonstrates the coordination provisions closely tying Title I to other important federal programs, particularly the vocational education programs.

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5) Strategies for Increasing Parental Involvement
Schoolwide programs must be focused on encouraging parents to become involved in their children's education, such as through the use of family literacy services. Enhancing parental involvement is a primary goal of the reauthorized Title I, and the statute allocates specific funds for this purpose. Parental involvement requirements are discussed in depth in chapter 6.

6) Plans To Facilitate Transition from Preschool to Elementary School
Preschools and elementary schools often fail to build bridges for children as they move from their earliest instructional experiences. Too often, academic gains made at this preliminary level are not sustained when children enter school. In response to this lack of connection, schoolwide programs must include transitional plans that assist preschool children in making the passage from early childhood programs (such as Head Start, Even Start, or a state-run program) to the local elementary school program. By targeting potential problems at this early age, a student's later participation in Title I programs should be more productive.

7) Measures for Including Teacher Input to Improve Student Performance and the Overall Instructional Program
The schoolwide program must provide for input from teachers in decisions regarding the use of any additional high quality assessments developed at the local level. The teacher provides essential information on the performance of individual students and will assist in improving students' performance, as well as that of the overall instructional program.

8) Provision of Assistance to Struggling Students
Schoolwide programs must assist students who have difficulty mastering the state's challenging content and performance standards. Schools must provide these students with "effective, timely additional assistance." This additional assistance must include measures that ensure students' difficulties are identified on a timely basis and that provide sufficient information on which to base effective assistance. To the extent the school determines it is feasible using Title I funds, the school may provide periodic training for teachers to identify these difficulties and provide assistance to individual students.

Parent-teacher conferences must take place for any student who has not met the challenging standards. During these conferences, parents and teachers shall discuss how the school can help the student meet the standards, what the parents can do to improve the student's performance, and what other community resources are available to assist the child. This provision acts in conjunction with the component requiring enhanced parental involvement in the child's education and professional development training to help teachers identify these students.

I. A Comprehensive Schoolwide Plan Is Required for Participation in a Schoolwide Program

Any school that wishes to implement a schoolwide program must submit a comprehensive schoolwide plan. This plan must be developed in consultation with the LEA and the school support team, or with any other technical assistance providers hired as an alternative to the state-supported group.

For simplification purposes, a school may amend a plan for a schoolwide program already in existence on October 20, 1994, the date the new legislation was enacted. Any amendments to already existing plans must have input from the LEAs, school support teams, or technical assistance providers.

J. Elements of a Comprehensive Schoolwide Plan

The comprehensive schoolwide plan for reforming the entire instructional program must include the following six components:

1) The eight components of a schoolwide program described in the prior section must be incorporated into the comprehensive plan.
2) The plan must describe how schoolwide program funds and other resources will be used to implement the eight requisite program requirements.
3) Any SEA programs, LEA programs, or federal programs from which the school is requesting a waiver must be listed in the plan, if these programs are to be incorporated into the schoolwide program.
4) Assessment data must be addressed in detail. The plan must describe how the school will provide parents with the results and interpretations of their child's performance as evaluated by the high quality assessments.
5) A compilation of data on students' assessment results must be addressed. These results must be categorized by gender, race, ethnic group, limited English proficiency status, migrant status, disabled versus nondisabled students, and economically disadvantaged versus nondisadvantaged students. As discussed in chapter 4 on accountability, these disaggregated results assist a school in determining what minority segments of the population are having difficulty meeting the challenging standards in a change from Chapter 1's aggregated assessment results.
6) The comprehensive plan must attempt to produce statistically sound results for these categories through the use of "oversampling" or other means. To remedy any equity problems that may result from producing disaggregated assessment data, the schoolwide program may only release to the public the data on those categories that are statistically sound.

K. Plans Submitted Before Standards and Assessments Are Developed Must Be Based on Reliable Data

If a schoolwide plan is developed before acceptable, challenging standards and assessments are adopted by a state, then the schoolwide plan must be based on an analysis of available data describing the actual achievement of students in the school. In addition, the plan must rely on data concerning effective instructional and school improvement practices.

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L. Time and Method of Developing Comprehensive Schoolwide Plan

The comprehensive schoolwide plan must be developed according to a specified time and method. In general, the plan must be developed during a one-year period. This time period could be shortened if the LEA determines, after considering the recommendation of the technical assistance provider, that less time is needed to develop and implement the schoolwide program. If a plan was already in effect on October 19, 1994, a new plan need not be developed during the one-year period. However, the school must still develop a new plan during the first year the school receives assistance under ESEA to reflect the Title I requirements for schoolwide projects.

A diverse group of affected individuals must contribute to the development of the schoolwide plan. The plan must be developed "with the involvement of the community to be served and the individuals who will carry out such a plan." Specifically, the plan must include input from teachers, principals, and other staff, and where appropriate, from pupil services personnel, parents, and even secondary school students.

Consistent with the goals of Title I, coordination must be facilitated wherever feasible, and must be reflected in the schoolwide plan. To enhance the coordination of the ESEA requirements with other relevant Acts, the plan must be developed in accordance with programs under the 1994 School-to-Work Opportunities Act, the Perkins Act, and the National and Community Service Act of 1990, when appropriate.

The comprehensive schoolwide plan must be made available to the LEA, parents, and the public. If a "significant percentage" of parents speak a language other than English, the plan will be translated into that language, to the extent feasible. According to the Department of Education, the school or LEA will define the parameters of "significant percentage" in determining whether the schoolwide program needs to be translated.[14]

M. Accountability of Schoolwide Programs Is Ensured

To ensure schoolwide programs are subject to accountability measures, the requirements of schoolwide programs and school improvement programs must be compatible. The law explicitly requires that schoolwide program provisions are subject to school improvement requirements so that schools below acceptable standards will be identified and assisted.

N. Perpetual Duration of the Schoolwide Plan

As with the state plan and local plans, the comprehensive schoolwide plan will remain in effect for the duration of the school's participation in schoolwide programs. It will be reviewed and revised, as necessary, to reflect changes in the schoolwide program or changes in any state standards established after the plan was developed. This perpetual duration marks a change from Chapter 1, and is another example of the flexibility of the reauthorized law.

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[14] Comments of Assistant Secretary of Elementary and Secondary Education, Tom Payzant, Negotiated Rulemaking, January 18, 1995.

III. Targeted Assistance Schools

A. Introduction and History of Targeted Assistance

A primary purpose of Title I is to compensate for the educational problems caused by children's poverty. From the program's inception, the appropriate target population for Title I has been a controversial issue. In prior reauthorizations, some policymakers have perceived Chapter 1/Title I as a program to assist low-achieving students and, therefore, proposed that funds be distributed only on the basis of low achievement. Others perceived the law as a poverty program intended to support the educational needs of students from poverty stricken areas and, targeted funds on the basis of poverty criteria alone.

Under Chapter 1, targeted assistance schools concentrated assistance on Chapter 1 students by looking simultaneously at poverty and poor academic performance. The most recent reauthorization continues to use the two traditional factors of Chapter 1 methodology for targeted assistance schools. However, it applies these two factors independently in a double-ranking fashion not used under Chapter 1. Thus, for targeted assistance, funds are directed to school districts and schools with the highest number of children from low-income families, then these funds are targeted to individual students for supplemental services based only on their poor academic performance, not on poverty.

The method of rendering targeted assistance marks one of the greatest departures from Chapter 1. Under the old law, Chapter 1 served educationally disadvantaged students from low-income families primarily by pulling them out of their regular classrooms and providing remedial education. All too often, this remedial education was premised on low expectations, seeking only to have students master material at lower levels than their peers. Instruction in Chapter 1 programs was aligned with "minimum competence" standards, whereby programs focused on providing only basic skills that would enable Chapter 1 students to meet national average standards. While these children gained essential basic skills, they never caught up academically to their peers who were not similarly disadvantaged.

The combined effect of classroom pull-out and low expectations was self-fulfilling. Classroom pull-out meant students missed out on the educational services provided to their peers, and thus fell behind the regular school curriculum. Further, the low achievement levels expected of Chapter 1 students assured that these children never had the opportunity to master a challenging and vital curriculum.

Title I dramatically changes the way educationally disadvantaged children are served. The new law strongly discourages removing Title I children from the regular classroom and seeks to integrate Title I services into the regular school day. Targeted assistance programs focus on support, coordination, and integration with the regular education program. Rather than focusing narrowly on limited programs for eligible students, targeted assistance under Title I focuses on a comprehensive plan to enable eligible children to meet the state's challenging standards expected of all children.

B. Targeted Assistance Programs Available to Schools not Administering Schoolwide Programs

To be eligible to offer targeted assistance to eligible students, a school must meet the following two criteria. First, the school must be selected to receive funds under the ranking and poverty criteria discussed earlier in this chapter. Second, the school must not be eligible for a schoolwide program or must choose not to operate a schoolwide program. If these two criteria are met, then an LEA may use funds provided under this section exclusively for programs that provide services to "eligible children" who have the greatest need for special assistance.

C. Defining Children Eligible for Targeted Assistance

Unlike Chapter 1, the schools under Title I have primary responsibility for designing the Title I programs. This responsibility includes choosing which grade levels will be served, in addition to selecting which children will be targeted. Title I alters the method of choosing eligible children to give the school significant discretion. Under Title I, eligibility is based on the school determining which children are "failing or most at risk of failing" to meet the state standards. Moreover, the statute identifies categories of children who had to meet specific requirements to participate in Chapter 1 programs, but are now eligible for services on the same basis as other children. Finally, Title I makes the schools responsible for selecting grade levels and identifying children for Title I eligibility, while Chapter 1 used district-level assessments of educational need as determining factors.

According to the reauthorized law, schools determine which children are eligible for targeted assistance by considering both the population eligible for services and the children within that population who are entitled to assistance. First, the "eligible population" is defined by two groups: 1) children not older than age 21 who are entitled to free public education through grade 12, and 2) children who are not yet at the appropriate grade level for free public education, yet are old enough to benefit from an organized instructional program provided in a school or other educational setting.

Secondly, eligible children within an eligible population must be identified. "Eligible children" must be 1) part of the "identified population" described above, and 2) identified by the school as "failing, or most at risk of failing, to meet the state's challenging performance standards." The school determines this eligibility based on multiple, educationally related, objective criteria established by the LEA and supplemented by the school. As noted in chapter 1 of this book, under Chapter 1, the districts made this determination based on subjective assessments of need. Under Title I, these subjective standards are retained only for children from preschool through the second grade who will be chosen solely on the basis of teacher judgment, interviews with parents, and other developmentally appropriate measures.

D. The Statute Identifies Certain Segments of the Student Population Considered To Be Eligible Children

While the school is responsible for identifying students who are "failing or most at risk of failing to meet the state's challenging performance standards," the statute identifies specific categories of students that must be included in this eligible group. These requirements greatly simplify the Chapter 1 selection procedures. Chapter 1 had special selection requirements for children who have disabilities or who are limited English proficient. Officials were required to document that

these students' lack of educational progress stemmed solely from educational deprivation and not from their disability or limited proficiency in English, a case that often proved difficult or impossible to make. Title I simply requires that children who are economically disadvantaged, disabled, migrant, or of limited English proficiency are eligible for services on the same basis as other students selected to receive Title I services. The statute further specifies that any child who participated in a Head Start or Even Start program at any time during the previous two years is eligible for targeted assistance services.

Title I also identifies children who may be eligible for targeted assistance services. Any child attending community day programs or living in a local institution for neglected or delinquent children may be eligible for targeted assistance services. In addition, any child who received services for neglected or delinquent children at any time during the previous two years may be eligible. Finally, other groups of eligible students may include children receiving services for youth at risk of dropping out during the prior two years and any homeless child attending a school within the LEA.

E. Supplanting Prohibition

An additional supplanting prohibition applies to these identified children. Funds received for targeted assistance may not be used to supplant services already required by law for children who are economically disadvantaged, disabled, migrant, or of limited English proficiency, or enrolled in Head Start. These funds must be used to supplement services otherwise required.

F. Components of a Targeted Assistance School Program

Components of a Targeted Assistance School Program:

- Use of resources to meet challenging standards
- Develop effective means for improving achievement
- Coordination with existing school plans
- Use of effective instructional strategies
- Support of regular education programs
- Retention of highly qualified staff
- Professional development
- Increase parental involvement

Targeted assistance programs must be organized around a set of components that enable children to meet the state's challenging standards. The requisite components of a targeted assistance school program nearly mirror the components of schoolwide programs and reflect the broad themes of Title I. However, targeted assistance programs create administrative issues not present in schoolwide projects because services are limited to eligible students. The eight mandatory components are: 1) using resources to meet challenging standards, 2) developing effective means for improving achievement, 3) coordinating with existing school plans, 4) using effective instructional strategies, 5) supporting regular education programs, 6) retaining a highly qualified staff, 7) providing professional development, and 8) increasing parental involvement. These eight specific program components are discussed below.

1) Using Resources To Meet Challenging Standards
   Targeted assistance programs must use the resources provided for these programs to help participating children meet the challenging state student performance standards. Once again, the focus is on challenging standards.

2) Developing Effective Means for Improving Achievement
These programs must be based on effective means of improving the achievement of all students. These "effective means" reflect Title I's emphasis on accountability and genuine achievement. If these means are proven ineffective, program improvement eventually will be required.

3) Coordinating with Existing School Plans
Targeted assistance programs must incorporate plans developed for targeted assistance into existing school plans. The coordination between plans should facilitate greater efficiency. The focus on integrating and coordinating targeted assistance with the regular school program is an innovation of the reauthorized law.

4) Using Effective, Challenging Instructional Strategies that Avoid Pull-out
These programs must use effective instructional strategies that minimize pulling a child out of the regular classroom, and instead, provide services during other times. While Title I does not prohibit pull-out, it strongly discourages this practice for reasons described earlier. Effective strategies include providing extended learning time during the year, after or before school, or during the summer, and minimizing the time students are away from the regular classroom. These instructional strategies also must involve an accelerated, high quality curriculum, focused on challenging material. This component reinforces the emphasis on coordination with the regular school program.

5) Supporting and Coordinating with Regular Education Programs
Targeted assistance programs must support and coordinate with the regular education program. These integrated and coordinated services may include a) counseling, pupil, and mentoring services; b) college and career awareness and preparation[15]; c) transition from school to work[16]; d) services to assist preschool children in the transition from early childhood programs to elementary school programs.

6) Provision for Instruction by a Highly Qualified Staff
A highly qualified staff must provide instruction to children receiving targeted assistance.

7) Providing Professional Development
As part of the targeted assistance program, the school must provide opportunities for professional development for administrators, teachers, and other school staff that work with participating children in the targeted assistance program or in the regular classroom. These activities are to be funded with resources under this provision, as well as from other sources, to the extent feasible.

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[15] "College and career awareness and preparation" would include college and career guidance, comprehensive career development, occupational information, enhancement of employability skills and occupational skills, personal finance education, job placement services, and innovative teaching methods, which may include applied learning and team teaching strategies.

[16] "Transition from school to work" would include the formation of partnerships between elementary, middle, and secondary schools and local businesses. Programs should attempt to integrate school-based and work-based learning.

8) Increasing Parental Involvement
Throughout Title I, parental involvement is a central objective. Thus, targeted assistance programs must involve strategies to increase the level of parental involvement in students' education by offering such programs as family literacy services.

G. Schools Are Required To Coordinate Resources and Provide Additional Assistance If Necessary

Each participating school must assist the targeted students in meeting the state's proficient and advanced levels of performance by coordinating resources provided under this part with funds received from other sources. By pooling funds from other federal, state, and local sources, schools have more flexibility in using funds effectively.

In addition, the school providing targeted assistance must review, on an ongoing basis, the progress of participating children. The school must revise its targeted assistance plan to provide additional assistance to these students to minimize pull-out, including an extended school year, before- and after-school programs, summer programs, and training for teachers on how to identify students requiring additional assistance and how to implement student performance standards in the classroom. This review process, coupled with additional assistance to struggling students, enhances the accountability of targeted assistance schools.

H. Duties for Targeted Assistance Personnel

While coordination is central to Title I, fiscal accountability for Title I funds remains important. Therefore, the statute contains specific requirements for duties that may be assumed by personnel paid with Title I funds. These statutory provisions inform targeted assistance schools of the acceptable uses of Title I funds.

1) Title I personnel may perform "limited duties" assigned to non-Title I personnel.
Public school personnel who are paid with funds provided to a targeted assistance program may assume "limited duties" that are assigned to other personnel who perform similar duties but who are not paid with funds for targeted assistance programs. However, the amount of time spent on these "limited duties" must be the same proportion of total work time spent by other similar personnel. These limited duties include tasks beyond classroom instruction and extend to activities that do not benefit the targeted children. This requirement was basically the same under Chapter 1. For example, under the Chapter 1 regulations, non-Chapter 1 duties did not need to be limited to classroom instruction and may include supervision of halls, playgrounds, lunch rooms, study halls, bus loading and unloading, and homerooms.[17] Targeted assistance personnel also may participate in general professional development and school planning activities.

[17] 34 C.F.R. §200.39(c).

2) Title I personnel may join non-Title I teachers in the classroom if beneficial to Title I students.
Title I personnel may join teachers in regular classrooms, if this collaborative effort directly benefits the participating eligible children.

I. Three special rules apply to the Targeted Assistance Programs:

In addition to rules concerning personnel, Title I contains special rules to foster the coordination of targeted assistance with the regular educational programs. These three specific provisions ensure that funds designated for targeted assistance programs are used most efficiently and effectively:

1) Targeted Children May Be Served Simultaneously with Nontargeted Children
One of the most dramatic changes in the reauthorized law allows for targeted assistance children to be served simultaneously with noneligible children with similar educational needs. This rule discourages the pull-out of Title I students and enables them to remain, if appropriate, in the regular classroom. Title I provides for both collaborative teaching and collaborative learning. However, the fact that Title I and non-Title I teachers and students may be integrated in targeted assistance programs raises many questions as to whether programs truly focus on eligible students.

2) Targeted Assistance Funds May Be Used To Provide Social Services, as a Last Resort
Children receiving appropriate health and social services are better prepared to succeed in school and in life. As the success of the Head Start program has demonstrated, early identification of nutrition, vision, health, and learning problems is vital not only for health, but for learning. While recognizing the importance of these services, only about half of all elementary school children routinely receive health care, and more than one-fifth of first-graders in high-poverty schools are perceived by their teachers as having general health problems.[18]

To partially address this serious problem, targeted assistance funds under Title I can be used for health, nutrition, and other social services if eligible children are lacking these provisions, but only if very specific criteria are met: 1) Eligible targeted children do not have basic health, nutrition, and other social services available to them; 2) The school has engaged in a comprehensive needs assessment, if appropriate, and established a collaborative partnership with local service providers; and 3) If funds are not reasonably available from other public or private sources, then as a last resort, a portion of the funds provided for targeted assistance programs may be used to provide basic health, nutrition, and other social services.

If these three conditions are met, targeted assistance money could be spent on things such as eyeglasses and hearing aids, compensation of a social services coordinator, and professional development necessary to help teachers, pupil services personnel, and parents identify and meet the comprehensive needs of eligible children.

3) Targeted Assistance Schools May Join with Other Schools To Carry Out Professional Development Obligations
Each school receiving funds to serve eligible targeted children during any fiscal year shall devote resources sufficient to carry out effectively the professional development required under the Act. A targeted assistance school may enter into a consortium with other schools to carry out the professional development obligations.

IV. School Choice

A. Introduction and History of School Choice

The public school choice option was contested fiercely during reauthorization. The resulting statutory provision is a compromise between policymakers who proposed using vouchers for private school choice and others who advocated continuing the status quo, where Chapter 1 did not provide for a school choice program. The reauthorized Title I provision permits parents to choose among participating public schools within certain narrowly drawn requirements.

B. Targeted Assistance Funds May Be Used for School Choice Programs

An LEA may use funds received for targeted assistance programs to develop and implement choice programs for Title I children. School choice programs permit parents to select the Title I public school their children will attend. In addition to using Title I funds, school choice programs may be developed with state, local, and private funds. To participate, a school must produce a school choice plan and meet other strict criteria discussed below.

C. School Choice Plan Is Required

If an LEA decides to implement a school choice program, it must first submit a comprehensive plan. This school choice plan must include very specific assurances for each of the following requirements:

1) The plan must assure that all children eligible for targeted assistance across grade levels will have equal access to the school choice program. To facilitate coordination, if a student decides to transfer to another public school, both the sending school and the receiving school must agree to the student's transfer. Any school that follows a racially discriminatory policy is forbidden from participating in the school choice program.

2) The plan must describe how the school will use funds from targeted assistance programs and other sources to implement the school choice plan. Funds for the school choice program cannot be used to pay for transportation costs to another public school chosen by the Title I students and parents.

3) To foster enhanced accountability, the plan must describe how the school will provide individual student assessment results and interpretations to the parents of the participating child. With regard to coordination, development of the plan must involve the community to be served and individuals who will carry out the plan, including teachers, principals, parents, and even secondary school students, when appropriate. The plan must be made available to parents and to the general public.

4) Finally, the plan must contain assurances that the LEA will comply with other requirements affecting targeted assistance programs.

[18] Final Assessment, pp. 36-37.

Chapter 4

Accountability for Effective Title I Programs: Adequate Yearly Progress, Program Improvement, and Statewide System of Support

I. Introduction and History of Accountability Provisions

Reauthorized Title I shifts its focus from strict compliance with voluminous requirements to effective teaching and successful learning. The emphasis has moved from process to product. Therefore, Title I contains potent accountability provisions whereby states, districts, and schools must demonstrate the success of their Title I programs. The reauthorized law gives state officials broad latitude to revitalize districts whose Title I students consistently perform poorly on state tests as well as the authority to penalize districts, if no improvement results. Title I creates a tradeoff with the state and local educational agencies: States and districts are treated more deferentially through expanded flexibility and autonomy, in exchange for stricter accountability for the success of Title I programs.

Before 1988, accountability in Chapter 1 programs was nearly nonexistent. While Chapter 1 projects were required to assess student learning, there were no consequences for failing projects. Tremendous resources were expended to assure that programs spent funds for intended purposes and followed procedural requirements; however, scant attention was paid to whether Chapter 1 students made any significant progress.

In 1988, the Hawkins-Stafford Amendments implemented stronger accountability provisions that, for the first time, focused on the effectiveness of Chapter 1 programs in helping students succeed. Under the 1988 amendments, districts were required to designate schools with poor test scores as

needing school improvement measures. Although schools were required to implement improvement plans when Chapter 1 students failed to make adequate gains, funding was not linked to improvements in student achievement in those schools. While these schools received modest technical assistance, no penalties were imposed for lack of improvement. Failure to enhance students' performance was identified, but had no tangible consequences. While the 1988 amendments raised the issue of accountability as a necessary component of Chapter 1 programs, the reauthorized Title I adds potency to these requirements.

The reauthorized law strengthens program improvement efforts at the state, district, and school level. Annual evaluations at each level build on each other and reinforce accountability: Every school is evaluated by the LEA and every LEA is evaluated by the state. Requiring the development and use of state assessment systems allows state and local agencies to measure how well Title I children are achieving standards expected of all children. In the state plan, states are required to define a specific level of yearly progress that districts and schools must meet to establish the success of their Title I programs. States and districts are permitted, and at times required, to take corrective action when districts or schools do not meet that level of yearly progress. The state maintains significant responsibility to help these failing schools and districts by establishing a statewide school support system, whereby school support teams, distinguished schools, and distinguished educators provide direct assistance and act as role models.

Under the new law, greater incentives exist for improvement since schools and individual educators can be rewarded for the effectiveness and success of Title I strategies. These changes are intended to establish a more effective accountability system and to spur improvement based on the ability of schools and districts to meet clearly defined objectives. These enhanced accountability methods will ensure that Title I funds are used more efficiently and effectively.

This chapter analyzes accountability in Title I. First, the phrase "adequate yearly progress" is explained as the standard against which progress is judged. Second, the accountability of schools is considered, whereby the LEA, primarily, and the state, secondarily, evaluate the performance of schools, identify schools for improvement, and impose corrective actions when necessary. Third, the accountability of the LEA is analyzed, whereby the state reviews the LEA's progress, identifies the LEA for program improvement, and takes corrective actions. Finally, the state's obligation of providing a statewide system of school support and improvement is reviewed, including a detailed look at school support teams, distinguished schools, and distinguished educators.

II. Assessment Results Used To Determine "Adequate Yearly Progress" of LEA or School

A. State Plan Must Define "Adequate Yearly Progress"

As described briefly in the first chapter of this manual, each state is required to develop a definition of the "adequate yearly progress" each district and school has made toward enabling Title I children to meet the state's performance standards. The phrase "adequate yearly progress" describes the progress of schools and LEAs based on information from student assessments.

Adequate yearly progress must be defined in the state plans in a manner that links the LEAs' or schools' progress primarily to the students assessment results; however, progress also may be established in part through other measures. States have discretion in determining what these other measures may be, but they may include indicators such as attendance, graduation, dropout, and school-to-work or school-to-college transition rates. Further, the statute specifically explains other measures may include assessments results found to be inconsistent with nationally recognized professional and technical standards.

Title I gives the states broad discretion to define adequate yearly progress, requiring that the definition reflect the "continuous and substantial yearly improvement" of each school or LEA. Progress must be sufficient to achieve the goal that all Title I children meet the state's proficient and advanced levels of performance, with special attention paid to economically disadvantaged and limited English proficient children.

III. Accountability of Schools

A. District Must Conduct an Annual Review of Schools

Every participating LEA must conduct an annual local review of each participating school using the state assessments and any additional measures described in the local plan. In addition to accountability, the purpose of Title I's annual review of schools is to encourage the school to continually refine its instructional program to help all Title I children meet the state's student performance standards. In conducting this review, the LEA must determine whether the school is making adequate yearly progress, as defined in the state plan, toward student performance goals.

The results of the local school review must be in a disaggregated form, broken down into the categories of gender, race and ethnic group, English proficiency status, migrant status, economically disadvantaged versus nondisadvantaged, and disabled versus nondisabled students.

Title I goes beyond Chapter 1 requirements in mandating wide dissemination of the results of this annual local review. Annual review results must be publicized and disseminated to teachers, parents, students, and the community. Importantly, these disaggregated results must be "statistically sound" before any results are published to the community. To ensure the reliability of the findings, the review must include individual school performance profiles based on statistically sound data. The term statistically sound is not defined in the statute.

B. An LEA Must Identify Schools for School Improvement

School improvement under Title I promises to be an effective method of holding schools accountable for progress, or lack thereof, in part because corrective actions are an intrinsic part of school improvement programs. Under Chapter 1, school improvement proved somewhat beneficial; however, problems undercut the potential effectiveness of the programs, particularly the lack of penalties when school improvement was slow. Title I continues to rely on school improvement strategies, but augments these programs with consequences for lack of progress and rewards for outstanding achievement.

Every LEA must identify specific schools for improvement programs and must follow specific criteria to identify them. Any school that fails to meet the state's definition of adequate progress for two consecutive school years must be identified by the LEA as a school in need of improvement. In addition, any school that was in program improvement for at least two consecutive school years prior to October 19, 1994, also must be identified for improvement. This Title I provision reflects a change from Chapter 1. Under the old law, a school was identified as needing improvement if the aggregate achievement scores of Chapter 1 students demonstrated no change or a decline in scores over the course of one year. The time for identification for school improvement was extended from one to two years to improve the quality of data on which the schools are identified for school improvement.

School improvement is not an optional course for identified schools. Every identified school must participate in program improvement unless "almost every student" in the school is meeting the state's advanced performance levels. The statute does not specify what percentage of the student body would comprise "almost every student."

Potentially, schoolwide programs and targeted assistance programs could be evaluated based on the assessment results of different groups of students. In schoolwide programs, the assessment results of all children in the selected grades are analyzed for accountability purposes. If the identified school is a targeted assistance program, then the district has the choice to review the school based on the progress of all students or of only those students served under the targeted assistance program.[1]

Before a state develops acceptable high quality yearly student assessments, the state may use a set of transitional assessments. When a state is using these transitional assessments, it must devise a method of identifying schools in need of program improvement. If a school has failed to meet that criteria for two consecutive school years, then the school must participate in school improvement.

C. Schools Maintain Opportunity To Contest Identification

After reviewing a school, but before formally identifying that school for improvement, the LEA must provide the school with an opportunity to review the school-level data on which such identification would be based. Specifically, the school may review the results of yearly student assessments reviewed by the LEA. After reviewing this data, if the school believes the LEA is in error for a substantive reason, such as statistical error, the school may provide evidence to the LEA demonstrating the error.

While the school has the opportunity to review all relevant school-level data, the opportunity to contest identification is very informal. No formal appeal is available under the new law. The LEA makes the final determination on whether a school will participate in school improvement.

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[1] In §1116(c)(1)(B)(ii), the statute reads: "in the case of a targeted assistance school, such school may be reviewed on the progress of only those students that have been or are served under this part." (emphasis added) Use of the word "may" indicates the schools have a choice, while "only" implies only one option. This ambiguity is unresolved by other parts of the statute.

D. A School Identified for Improvement Must Revise Its Educational Plan

Each school identified as needing program improvement must develop or revise its school plan in ways that have the greatest likelihood of improving the performance of participating children. These revisions may include reviewing the school's plan in the context of state opportunity-to-learn standards or strategies developed under Goals 2000. These modifications must be developed in consultation with parents, the LEA, and the school support team (discussed later in this chapter). During the first year immediately following identification of a school for program improvement, the new or revised plan must be submitted to the LEA for approval and implementation.

Professional development and technical assistance are two integral aspects of the revised school plan. The new law contains specific content and spending requirements discussed below.

1) *Professional Development Must Be Integrated Into the Revised School Plan*
As part of the revised plan, each school must agree to improve the skills of its staff by providing effective professional development activities. To comply with this requirement, a school may do one of two things: 1) devote funds equivalent to at least 10 percent of the school's Title I funds received during one fiscal year to professional development activities occurring over a period of two consecutive years, or 2) "otherwise demonstrate" that the school is effectively carrying out professional development activities. The 10 percent-over-two-years spending requirement is one of the few "set-asides" for professional development in the new law, and even this provision may be avoided by "otherwise demonstrating" effective activities. In addition to this 10 percent set-aside, schools identified for program improvement may "use funds from any source" to meet the professional development requirements. Reflecting the emphasis on coordination between important involved groups, spending decisions are to be made jointly among teachers, principals, and other school staff.

2) *Technical Assistance Is Central to Program Improvement*
Experience with Chapter 1 has demonstrated that the lowest achieving schools often need assistance in determining how to improve their programs. Therefore, Title I authorizes technical assistance for these schools. The LEA is responsible for providing technical, or any other assistance to any identified school. The assistance must be provided as the school develops and implements its revised plan.

The delivery of technical assistance may be arranged in a variety of ways. The LEA may directly provide assistance or may use any mechanisms established under the state support system. The LEA also may contract with higher education institutions, a private nonprofit organization, an educational service agency, a comprehensive regional assistance center, or other entity with experience in helping schools improve achievement. In addition, technical assistance could involve a joint plan between the LEA and the school that addresses specific elements of the student performance problem and that specifies the respective responsibilities of the LEA and school.

One important option for technical assistance is facilitated under Title I—the LEA is encouraged to waive any LEA regulations, rules, or policies that impede the ability of a school to educate children. The procedural specifics of how the school obtains this waiver from the LEA are not described in the statute.

E. Minimum Length of Time School Required To Remain in School Improvement

If an identified school makes adequate progress toward meeting the state's proficient and advanced performance levels for a minimum of two of the three years following its identification, then the school will no longer be identified as needing school improvement. A change from Chapter 1, Title I extends the length of time for a school to remain in school improvement to a minimum of two years. This extension allows improvement actions taken by the schools to have a significant effect. During a school's third year in program improvement, the LEA must take corrective actions, as explained in the following section.

IV. Corrective Actions Imposed Against Schools

A. An LEA Determines when Corrective Action Should Be Used

Title I requires that corrective actions be imposed on schools that fail to progress with program improvement. These actions ensure that, in situations where there is continued failure to make adequate progress, more aggressive measures are used so that children in those schools will be given the opportunity to receive a high quality education.

Under Title I, the LEA may take corrective action at any time against a school that has been identified for school improvement. However, before imposing any corrective action, the LEA must have provided the school with technical assistance or taken other remedial measures. But during a school's third year in program improvement, an LEA must take corrective action against any school that has still not demonstrated adequate progress in assisting children to meet state performance standards.

Recognizing the potential severity of imposing corrective actions on a school, Title I provides the LEA with some discretion in enforcing this sanction. The LEA may delay taking corrective actions for one additional year against a failing school if it determines that the school's failure to make progress can be attributable to "extenuating circumstances." The LEA determines the existence of these undefined extenuating circumstances.

B. Specific Corrective Actions Are at the LEA's Discretion

School district officials have wide discretion to determine forms of corrective actions. Options vary from the harshest of penalties, such as withholding funds and replacing school personnel, to more supportive measures, such as developing interagency collaborative agreements for the provision of social services. The LEA is responsible for determining what specific corrective actions will be taken and must announce those actions to the public. These corrective actions also must comply with state and local laws.

Corrective actions may include a wide variety of strategies. The statute provides that opportunity-to-learn standards may be implemented by the LEA, as well as any other strategies developed by the state under Goals 2000. The LEA may engage in interagency collaborative agreements between the school and other public agencies to provide health, counseling, and other social services needed

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to remove barriers to learning. The LEA may even make alternative governance arrangements, such as the creation of a public charter school.

Once the state has implemented Title I student assessments as part of its state plan, the LEA's power to invoke corrective actions expands. Additional corrective action strategies, contingent upon using these Title I assessments, include withholding funds from the school, revoking its authority to operate a schoolwide program, decreasing the decision-making authority at the school level, reconstituting the school staff, or authorizing students to transfer to other public schools served by the LEA, with transportation costs paid by the school.

While potentially harsh corrective actions are available to both state and local administrators, state Title I directors have been hesitant to use the strictest measures.[2] State administrators would prefer to focus on personnel development and other assistance to district staff, rather than withholding funds or replacing district administrators or board members. State Title I directors predict that remedial rather than punitive measures will be used to benefit failing programs.[3]

C. After Corrective Actions, a School May Reinstate its Schoolwide Program at the LEA's Authorization

A school that is no longer operating its schoolwide program because corrective actions have been imposed may not resume operation of its program until the LEA authorizes it to do so. If the LEA determines the school has adequately reformed its schoolwide program plan to enable adequate progress toward meeting the state's challenging student performance standards, then the schoolwide plan may be resumed.

D. State Responsibilities for Assisting Failing Schools and Rewarding Successful Schools

The state educational agencies also are required to assist schools that fail to make adequate progress. The SEA must make technical assistance available through the state system of support to schools that are farthest from meeting the state's performance standards, if that assistance is requested by the school or LEA. As noted later in this chapter, this assistance is not limited to schools formally identified by the LEA as needing assistance.

If the SEA determines that the LEA did not fulfill its responsibilities of providing technical assistance and imposing corrective actions on identified schools, then the SEA must impose any corrective actions it deems appropriate, within the confines of state law.

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2 *Education Daily*, December 2, 1994, Vol. 27, No. 232.

3 *Id.*

V. Accountability of Local Educational Agencies

A. States Must Conduct Annual Review of District's Progress

Title I establishes a parallel system of review for schools and local educational agencies: While the LEA reviews the schools, the state reviews the LEAs. In substance as well as form, the state review of LEA progress nearly mirrors the LEA review of individual schools discussed earlier in this chapter. By establishing a parallel track of improvement and accountability for LEAs and schools, Title I recognizes the vital role of LEAs in influencing the performance of schools and children.

Just as the LEA is responsible for reviewing schools' progress, the state educational agency is responsible for conducting an annual review of the progress of each LEA receiving Title I funds. The state must determine if the schools receiving assistance within the district are making adequate progress, as defined in the state plan.

As with the results of local reviews, the state review of a district's program must produce disaggregated review results within each LEA and school broken down into the categories of gender, race and ethnic group, English proficiency status, migrant status, economically disadvantaged versus nondisadvantaged, and disabled versus nondisabled students. States must publicize the results of LEA reviews, but only if the results are statistically sound. Finally, states must disseminate the information to the LEA under review, and to teachers and other staff in that district, parents, students, and the community.

B. The State May Reward LEA for Outstanding Progress

After LEA progress review, if the state determines that a district meets or exceeds the state's definition of adequate progress for three consecutive years, the state may make institutional and individual rewards to the LEA. These rewards to high-achieving districts mirror the rewards states may bestow upon schools through the statewide school support system, discussed later in this chapter.

While this provision seems to be a broad mandate for rewarding many successful districts, rewards must only benefit the highest performing districts. Congress did not intend to reward LEAs that are doing well in the aggregate, but that have a number of individual schools that are not. Analyzing disaggregated results by LEA, school, and specific population groups will provide a more thorough data base on which to bestow these rewards.

C. State Must Identify LEAs in Need of Improvement

The SEA must identify for improvement any LEA where the schools in that district do not make adequate progress for two consecutive school years. As discussed in the previous section on identifying schools for improvement, when a state is using a transitional set of assessments, that state must devise a method of identifying programs in need of improvement. If an LEA fails to pass this evaluation process for two consecutive years, the state must identify the LEA as needing program improvement.

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D. The District Maintains an Opportunity To Contest Identification

Before formally identifying a school district for improvement, the state must provide the district with an opportunity to review the school-level data upon which such identification will be based. The district may specifically analyze the results of student assessments analyzed by the state in making its determination. After this data review, if the district believes the state's potential identification is erroneous for a substantive reason, such as statistical error, the district may provide evidence to the state to support its belief. As with objections raised by an identified school, the statute does not provide for a formal hearing. The final decision rests with the state.

E. Once Identified for Improvement, the District Must Revise Educational Plans

The LEA's first obligation, once identified for school district improvement, involves revising the district's Title I plan. Each LEA identified as needing program improvement must develop or revise its educational plan in ways that have the greatest likelihood of improving the performance of the LEA's schools in assisting children to meet the state's performance standards. The revisions must be made in consultation with individual schools, parents, and educational experts. These modifications must include a determination of why the LEA's plan failed to produce the desired achievement. The state must offer help in revising the plan, if the district required it.

Significantly, revision of the LEA plan may include reviewing the original plan in the context of a state's opportunity-to-learn standards, if such standards exist. The use of these standards generated controversial debate in the congressional hearings on Chapter 1 reauthorization. Regarding improvement issues, Congress determined that the LEA plan may be reviewed in the context of any strategies developed by the state under Goals 2000, and it explicitly authorizes the state to consider its opportunity-to-learn standards, if such standards exist.

F. The State Must Provide Technical Assistance to Identified Districts

Each state maintains responsibility for providing technical assistance to any LEA identified for school improvement. Providing technical assistance serves to better enable that LEA to develop and implement its revised plan and to work with the individual schools that need improvement. The state must be sure to provide identified districts with the statewide system of support, which includes establishing school support teams and designating distinguished schools and educators. This technical assistance must be offered particularly to LEAs farthest from meeting the state's standards.

The requisite technical assistance may be provided by the SEA either directly or by a higher education institution, a private nonprofit organization, an educational service agency or other consortium, a technical assistance center, or other entity with experience in helping LEAs improve achievement. These "other entities" may involve interagency collaborative agreements between the LEA and other public agencies to provide health, pupil services, and other social services needed to remove barriers to students' learning.

As part of offering technical assistance, the SEA is encouraged to waive or modify the requirements of state law or regulation that impede the ability of the LEA to educate students. The SEA can only grant this waiver or modification in states in which such waivers are permitted.

G. Minimum Amount of Time District Must Remain in Program Improvement

If a district has been identified for program improvement, and for at least two of the three years following identification has made adequate progress toward meeting the state's standards, the district need no longer be identified as needing program improvement. As noted earlier in this chapter, this minimum two-year period, extended from the one year requirement under Chapter 1, ensures that the district will be engaged in improvement programs for enough time to demonstrate concrete progress.

If an LEA has been in program improvement for four years, the state must take corrective actions, as discussed in the next section.

VI. Corrective Actions Imposed Against School Districts

A. The State Determines when Corrective Action Should Be Used

The state's use of corrective actions ensures that every LEA will be held accountable for the success of schools and programs in that district. The state may take corrective action at any time against an identified LEA, as long as the SEA has first provided technical assistance and taken other remedial measures. This option of using corrective actions becomes a mandate during an LEA's fourth year in program improvement, when the state must take corrective action against any LEA still not making "adequate progress."

The state may delay taking corrective actions for one additional year against a failing district if it determines the district's failure to make progress can be attributable to "extenuating circumstances." The statute does not define extenuating circumstances, and leaves this issue to the discretion of the states.

B. Procedural Rights of the LEA Before Corrective Action Is Imposed

The procedural rights of the LEA depend on what is provided under state law. Prior to implementing any corrective action, the SEA must provide any identified LEA with due process, but only if such process is required by state law. The LEA's procedural rights are greater than those given to schools, as the LEA is provided the opportunity of a hearing before the SEA, if the state law provides for such a hearing. This provision ensures important procedural safeguards to a district in danger of having funds withheld as a result of corrective actions.

C. Strategies Available as Corrective Actions

The SEA is responsible for determining what corrective actions will be taken against an LEA, and it must announce and disseminate this information to the public. These corrective actions must be consistent with state laws.

Corrective action may include a wide variety of strategies. Similar to the technical assistance options a district can offer to an identified school, the state may require establishment of a joint plan between the state and the LEA that addresses specific elements of student performance problems and that specifies state and local responsibilities under the revised plan. The state may implement opportunity-to-learn standards or any other strategies developed under Goals 2000 as corrective action against an LEA. In addition, a receiver or trustee may be appointed to administer the LEA's affairs, in place of the superintendent and school board. The SEA may even abolish or restructure the LEA or authorize students to transfer to a school operated by a different LEA.

If a state is using new Title I high quality assessments, then the state's power to invoke corrective action expands to include withholding funds from the LEA, reconstituting school district personnel, removing particular schools from the jurisdiction of the LEA, and establishing alternative arrangements for public governance and supervision of such schools.

As discussed in the previous section about corrective actions available against the schools, state Title I directors do not foresee invoking the strictest measures available against the LEAs.[4] More supportive and helpful measures would most likely be chosen before severe, punitive actions.

VII. Rights of School Employees Remain Unaffected by Improvement Provisions and Corrective Actions

The rights of school employees remain unaffected by the accountability provisions discussed in this chapter. None of the accountability provisions of Title I may alter or affect the rights, remedies, and procedures afforded school or school district employees under existing law, including federal, state, or local statutes, regulations or court orders. Similarly, these provisions do not disturb employees' rights under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

[4] *Education Daily*, December 2, 1994, Vol. 27, No. 232.

VIII. State Assistance for School Support and Improvement

Required State Assistance Components for School Support and Improvement:

- School support teams
- Designation of distinguished schools
- Designation of distinguished educators

States play a major role in enhancing the accountability of districts and schools. To assist LEAs and schools in meeting accountability levels a state must establish a statewide system of support that includes three components: 1) school support teams, 2) designation of distinguished schools, and 3) designation of distinguished educators.

A. Statewide System of Support Must Be Established by Each State in Coordination with Pre-Established Regional Centers

Every SEA must establish a "statewide system of intensive and sustained support" for participating schools. Beneficiaries of this support system would include schools participating in schoolwide programs and those undergoing school improvement programs. The goal of these support systems is to increase the opportunity for all students in participating schools to meet the state's content and performance standards.

Establishment of the statewide system of support is grounded in coordination of Title I and other statutory initiatives. The comprehensive system regional laboratories, established in the Educational Research, Development, Dissemination, and Improvement Act of 1994, is intended to work closely with the statewide support system. The Title I support system is to receive support and assistance from these comprehensive regional centers.

B. Funds Used for Establishing Statewide Support System

Specific funds are designated for states to use in designing and implementing their support systems. The designated funds are to be used for all aspects of programs for school program improvement and corrective actions, district improvement and corrective actions, school support teams, and distinguished schools and educators. Title I identifies two distinct funding sources for program accountability under the basic grant, migratory education and neglected/ delinquent youth program;[5] namely, funds set aside for 1) program improvement, and 2) administrative purposes.

1) *Program Improvement Funds*
For the purpose of school and district improvement and statewide support, a state may reserve one-half of one percent of the funds allocated to it for Title I basic grants, migratory education, and programs for neglected, delinquent, or at-risk youth for fiscal years 1995 through 1999. In addition, Congress authorized the federal government to appropriate "such sums as may be necessary" for fiscal years 1996

[5] A third source of funds is available for operating school improvement programs and the state support system, found in the reauthorized Chapter 2, entitled Title VI under the new law. According to the reauthorized Chapter 2, block grants can be allocated to LEAs for use in local innovative education programs. These innovative assistance programs can include programs for school improvement, a state support system, and other accountability programs discussed in this chapter. See §6301(b)(8).

through 1999 to execute the accountability provisions discussed in this chapter, particularly school improvement.

Certain minimums apply to this amount: The total combined amount each state may reserve for any fiscal year, in accordance with the provision described above, may not be less than $200,000. The total amount each outlying area may reserve (Guam, American Samoa, the Virgin Islands, the Northern Marianas, and Palau) may not be less than $25,000. If this amount is less than $200,000 for any fiscal year (or $25,000 for an outlying area), then the state may reserve additional funds under Title I basic grants, migratory education and programs for neglected, delinquent, or at-risk youth, as are necessary to make $200,000 (or $25,000) available to each state.

The statute provides for an additional state allocation for school improvement. In addition to the authorization that the federal government appropriate "such sums as may be necessary" for fiscal years 1996 through 1999, each state is eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the state under Title I bears to the total amount allocated to all states under Title I. Administrative expenses are not included in the calculation of these ratios.

2) *Administrative Funds*
In addition to a portion of funds used for basic grants, migratory education, and neglected/delinquent youth, state administrative funds may be used to meet the responsibilities of establishing a statewide school support system. In general, the amount of administrative funds available would be the greater of 1) one percent of the funds received by a state under Title I basic grants, migratory education, and neglected/ delinquent youth, or 2) $400,000. In the case of Guam, American Samoa, the Virgin Islands, the Northern Marianas, and Palau, that amount is reduced to the greater of 1) one percent of Title I funds received, or 2) $50,000.

C. Components of Statewide Support System

The statewide support system is a Title I innovation. This system, developed in coordination with regional assistance centers, assists schools in progressing toward a level of adequate progress. The statewide support system has three core components: school support teams, distinguished schools, and distinguished educators.

1. *School Support Teams*

a) *Use of Funds*
Every LEA must establish a system of school support teams developed in consultation with the LEAs and schools. At a minimum, these teams must provide information and assistance to schoolwide programs to ensure that students in these programs are provided with the opportunity to meet the state's performance standards.

After assisting schoolwide programs, if funds are sufficient, school support teams must address the needs of schools with the most children in poverty and schools with the poorest performance record. School support teams must provide information and assistance to schools identified as being in need of improvement under Title I requirements, where at least 75 percent of the enrolled student population is in "poverty," as defined by the state plan. The statute allows for broad state discretion: School support teams are required to assist "other schools in need of improvement," but states are allowed to develop their own criteria for identifying schools needing improvement for the purposes of this section.

b) *Composition of School Support Teams*

Generally, each school support team must be composed of persons who are knowledgeable about relevant research and practice about teaching and learning, particularly on the educational needs of low-achieving students. Team members must be familiar with relevant methods of instruction, including alternative or applied learning techniques. They must be particularly familiar with strategies for improving educational opportunities of low-achieving students. These individuals include representatives of institutions of higher education, regional educational laboratories or research centers, and outside consultant groups. Specifically, each team must include teachers, pupil services personnel, and representatives of organizations knowledgeable about successful schoolwide projects or comprehensive school reform. The team should particularly include distinguished educators, as designated by the state and described later in this chapter.

c) *Activities of School Support Teams*

The obligations of the school support team are enumerated in broad, general terms. Title I requires the school support team to "work cooperatively" with each school in developing any necessary plans or programs. The team must make recommendations as the school develops its schoolwide program plan or school improvement plan, and then review the final draft of the plan. The school support team makes its final recommendations to both the school and the LEA. During the actual operation of a schoolwide program or during any school improvement activities, the school support team must "periodically review" the progress of the school in enabling children to meet the state's performance standards; however, no definite timeframe is described. The team is required to review the implementation of the instructional program and identify problems in its design and operation. Additionally, the team must make recommendations for improvement to the school and the LEA.

The statute leaves some room for state flexibility and discretion by permitting the state to devise alternatives to the suggested strategies for state support teams and distinguished educators, as discussed later in this chapter. These alternatives may include providing assistance through higher education institutions, educational service agencies, or other local consortia. The state may use these alternative approaches in its plan if it first seeks approval from the Secretary of Education.

2. *Distinguished Schools*

a) *Criteria for Identifying Distinguished Schools*

Title I contains incentives for schools to exceed the accepted measure of adequate yearly progress. Schools are rewarded for achieving high degrees of success in their Title I programs. A state must designate as "distinguished" any participating school that meets all of the following three requirements: 1) The school has exceeded the definition of achieving "adequate yearly progress" for three consecutive years. 2) Virtually all of the students have met the state's advanced level of performance. 3) Gender equity in participation and achievement of students has been achieved or significantly improved.

Criteria for Identifying Distinguished Schools:

- The school has exceeded the definition of achieving "adequate yearly progress" for three consecutive years
- Virtually all of the students have met the state's advanced level of performance
- Gender equity in participation and achievement of students has been achieved or significantly improved

b) *Activities for Distinguished Schools*

Distinguished schools may serve as models for other aspiring schools. They may help other institutions meet the state's student performance standards. In offering this assistance, distinguished schools may target support and assistance schools undergoing school improvement or conducting schoolwide programs.

c) *Distinguished Schools Rewarded by the State and District*

Distinguished schools may be rewarded for their success by both the state and the local educational agency. States must use the funds designated earlier in this section to assist distinguished schools in executing activities such as assisting other schools and serving as role models. In addition, the states may use this money to bestow awards upon distinguished schools to further their successful education programs. The state may reward individuals or groups in the school for exemplary performance. Generally, this money provides additional incentives for continued success.

The district also may play a role in rewarding distinguished schools for outstanding performance by providing institutional and individual awards, including benefits such as greater decision making authority at the school-building level and increased access to resources. In its discretion, the LEA may provide opportunities to participate in special projects and offer supplemental services, such as summer programs, that may be used to sustain or increase the success of school programs. Individuals working in the distinguished schools may be rewarded with additional professional development activities and individual financial bonuses from the LEA.

3. *Distinguished Educators*

a) *Methods of Establishing a Corps of Distinguished Educators*
Each state must establish a corps of distinguished educators. The purpose of this corps is to provide assistance to schools and LEAs identified as needing improvement and to schools participating in schoolwide programs. In establishing this corps of distinguished educators, the state must use the specific funds designated for such purposes, as described earlier in this section, and work in consultation with LEAs.

The statute broadly states how each distinguished educator should be chosen. When possible, distinguished educators shall be chosen from schools participating in Title I programs that have been "especially successful in enabling children to meet or make outstanding progress toward meeting the State's student performance standards," such as distinguished schools. Beyond this statement, states are not given firm criteria on how to choose specific teachers within each distinguished school.

b) *Activities of Distinguished Educators*
Acting as part of the statewide system, distinguished educators must provide intensive and sustained assistance to the schools and LEAs farthest from meeting the state's student performance standards. Distinguished educators must provide assistance to schools as they develop and implement schoolwide programs. To coordinate state efforts, distinguished educators also must serve as members of the school support teams, joining with other specialists in this educational area. Title I permits flexibility in the activities demanded from distinguished educators. As with the requirements for school support teams, states are encouraged to devise alternative approaches to the ways distinguished educators may render assistance. These alternatives may include providing assistance through higher education institutions, educational services agencies, or other local consortia. The state may use these alternative approaches in its state plan if it first seeks approval from the Secretary of Education.

Chapter 5

Waivers and Other Burden-Reducing Provisions

I. Introduction and History of Waivers

The Improving America's Schools Act (IASA) greatly enhances the simplicity and ease of administering elementary and secondary education programs under Title I. For the first time, the statute encourages the Department of Education, the state educational agency, and the local educational agency to waive certain provisions of federal, state, and local statutes and regulations when those laws impede efforts to educate children. The significant use of waivers under Title I enhances coordination among the new law and other statutes and regulations. As a central goal of the reauthorized law, coordination between conflicting and inconsistent requirements ensures that Title I dollars will achieve maximum impact.

Under ESEA, the U.S. Secretary of Education has the power to grant the waiver of many rules attached to a state's receipt of federal education funds. The Department has encouraged administrators to use this option for flexibility in state and local plans.[1] The specific criteria for obtaining a waiver is not explained in the statute and will be more fully developed through the regulatory process. Education officials predict that state and local administrators will not identify regulations to be sidestepped until they become intimately familiar with the new law and develop comprehensive plans.[2]

The statute explicitly provides for four types of waivers from laws that hinder the educational efforts of Title I providers. First, a local education agency receiving Title I funds can receive a

1 *Education Daily*, Dec. 5, 1994, Vol 27, No. 233.

2 *Id.*

waiver from certain ESEA requirements, including Title I provisions. Second, a school conducting a schoolwide program will be exempt from certain requirements of other federal discretionary, noncompetitive grants administered by the Department of Education, with certain limitations. Third, when a school or LEA has been identified for program improvement, the LEA and SEA are encouraged to waive any local or state laws that impede the ability of the agency to educate students. Finally, if an LEA fails to meet the maintenance-of-effort fiscal requirement, the Secretary may waive that requirement if it would be "equitable."

In addition to waivers, Title I contains other burden-reducing provisions that involve consolidating administrative funds from other programs. The state and local educational agencies have the option of consolidating funds made available for administration under Title I, other major ESEA programs, and Goals 2000.

This chapter highlights the requirements of these waiver and consolidation provisions.

II. Waivers of Other IASA Statutory and Regulatory Requirements

A. Waiver of Other ESEA Provisions

The "General Provisions" of the ESEA provide for the waiver of many parts of the statute. Under the general waiver provision, found in section 14401 of the statute, the Secretary may waive most statutory or regulatory requirements of the ESEA for any SEA, LEA, or school that receives ESEA funds. As part of the ESEA, Title I requirements may be waived under this section.

B. The SEA or LEA Must Request a Waiver

An SEA or LEA that desires a waiver of ESEA provisions must submit a waiver request to the Secretary of Education. The waiver request must be developed by the LEA and submitted to the SEA on behalf of the LEA and its schools, for SEA review and comment. Thereafter, the SEA must submit the request to the Secretary of Education, on behalf and at the request of the LEA, or on its own behalf.

General Criteria for Granting Waivers:

- Waiver will increase the quality of instruction
- Waiver will improve the academic performance of students

The waiver request must identify the federal programs that would be affected, describe which federal requirements are to be waived, and explain how the waiving of these requirements will increase the quality of instruction or improve the academic performance of students. Where applicable, the waiver request must describe which similar state and local requirements will be waived and how waiving them will assist the LEA or school in achieving its objectives.

The request must describe specific, measurable educational improvement goals and expected outcomes for all affected students, in addition to explaining the methods used to measure progress in meeting them. In addition, the request must describe how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

C. SEA or LEA Must Provide Affected Parties and the Public with Notice and Opportunity To Comment

If a waiver request is submitted to the Secretary by an SEA acting on its own behalf, the SEA must provide notice to all interested LEAs in the state. In addition, the SEA must provide all LEAs with a reasonable opportunity to comment on the request, and these comments must be submitted to the Secretary. The SEA must provide notice and information to the public regarding the waiver request, and this information must be published in the same manner that the SEA customarily provides similar notices and information to the public.

If the waiver request is submitted to the Secretary by a participating LEA, the request must first be reviewed by the SEA and the SEA's comments, if any, must accompany the submission to the Secretary. As required of the SEA, the LEA must provide notice and information to the public regarding the waiver request in the manner that the LEA customarily provides similar notices and information to the public.

D. Restrictions on Substance of Waiver

Requirements Not Eligible for Waivers:

- Distribution of funds
- Maintenance of effort
- Comparability of services
- Supplement, not supplant provisions
- Civil rights
- Equitable participation of private school children
- Parental participation and involvement
- Charter school requirements
- Prohibitions on using funds for religious worship
- Prohibitions regarding state aid

The ESEA contains some restrictions on what statutory or regulatory provisions can be waived. The Secretary cannot waive any statutory or regulatory requirements relating to the allocation or distribution of funds to the states, districts, or other recipients of funds under the ESEA. Moreover, the Secretary cannot waive requirements concerning maintenance of effort, comparability of services, or the use of federal funds to supplement, not supplant, non-federal funds. Applicable civil rights requirements cannot be waived by the Secretary. A state or local educational agency cannot be relieved of requirements relating to the equitable participation of private school students and teachers and provisions for parental participation and involvement. Moreover, the Secretary cannot waive the requirements for charter schools under Title X, Part C, of the IASA; prohibitions on using funds for religious worship or instruction in Section 14507 of the IASA; or prohibitions regarding state aid in Section 14502 of the IASA.

E. Duration and Extension of Waiver

In general, any waiver request that is approved by the Secretary has a duration of not more than three years. The Secretary may extend this period if he determines that the waiver has been effective in meeting stated objectives and contributing to improved student performance. In addition, the granting of the extension must be in the public interest.

F. Annual Reports on Success of Waivers by LEAs and SEAs

An LEA that receives a waiver of other ESEA provisions from the Secretary of Education must submit a report to the SEA at the end of the second year after the waiver was received, and for each

subsequent year thereafter while the waiver is in effect. This report must describe the uses of the waiver by the LEA or school, and explain how the targeted populations of the waived programs continued to be served. The report must evaluate the progress of the LEA and its schools in improving the quality of instruction or the academic performance of students.

After receiving a report from an LEA, the SEA annually must submit a report to the Secretary based on the LEA reports. The information to be contained in the SEA report is to be determined by the Secretary.

G. Termination of Waivers

The Secretary must terminate a waiver of an ESEA provision if it is determined that performance of the SEA, LEA, or school has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purpose.

H. Publication of Approved Waiver

When the Secretary decides to grant a waiver of an ESEA provision, notice of that decision must be published in the *Federal Register*. The Secretary must provide for the dissemination of this notice to SEAs, educators, parents, students, advocacy groups, civil rights organizations, other interested groups, and the public.

III. Waivers for Schoolwide Programs

A. Exempt from Many Federal Requirements

One of the most radical innovations of Title I is the provision for schoolwide program waivers. Title I explicitly provides that a school may operate without the restrictions of other federal laws to assist in smoother implementation of schoolwide programs. The Secretary may exempt any schoolwide program from certain obligations imposed by statute or regulation from any other noncompetitive, formula grant program, or from any discretionary grant program administered by the Department of Education. For clarification purposes, the Department will publish a list in the *Federal Register* of the names of specific programs subject to the waiver provision in this section.

A schoolwide program can operate without the restrictions of most other federal programs only if the intent and purposes of those other programs are met. In addition, the schoolwide program must particularly address the needs of children who are members of the target population of any program that is included in the schoolwide program.

Once the Secretary publishes the list of waived federal programs in the *Federal Register*, it is clear that only the school sponsoring the schoolwide program will be relieved of those requirements. The LEA itself, in addition to any non-schoolwide programs within the LEA, are not relieved of the laws related to these other programs and maintain responsibility for meeting all relevant laws and regulations.

B. Certain Programs and Requirements Cannot Be Waived

The statute enumerates one federal program in which no program provisions can be waived: a schoolwide program cannot receive a waiver from grant requirements under the Individuals with Disabilities Education Act (IDEA). In addition, schoolwide programs must continue to address the identified needs of migratory children, as required under the Migrant Education Program (§1306(b)(3)). Finally, a schoolwide program may use funds under the Indian Education Program to support a schoolwide program only if 1) the Indian parent committee approves the use of funds for a schoolwide program, and 2) the schoolwide program is consistent with the purposes of the Indian Education Program (§9115(c)).

In addition to the waiver restrictions on these programs, certain statutory and regulatory requirements of any federal program cannot be waived by the Secretary. A schoolwide program cannot be exempted from federal requirements relating to health, safety, civil rights, gender equity, student-parental involvement, services to private school children, maintenance of effort, comparability of services, fundings to supplement not supplant, or distribution of funds to SEAs or LEAs that apply to the receipt of funds from such programs.

IV. Waivers in Program Improvement

Throughout Title I, LEAs and SEAs are encouraged to waive the provisions of any conflicting or inconsistent laws or regulations that would otherwise hinder the process of educating children. For example, as contained in the accountability provisions concerning program improvement, the local and state educational agencies are explicitly encouraged to waive the requirements of state and local laws and regulations that impede efforts to educate children. For each school identified for program improvement, the LEA must provide technical assistance. As part of that technical assistance, the LEA is encouraged to issue waivers or modifications of LEA policy requirements or regulations that impede the ability of the school to educate students.

Similar recommendations to waive inconsistent laws and policies affect the state educational agencies. For every LEA identified for program improvement, the SEA must provide technical assistance, which may include waivers or modifications of requirements of state law or regulation that impede the ability of the LEA to educate students. The SEA may only waive these requirements in states where such waivers are permitted.

V. Waiver for Failure To Maintain Fiscal Effort

As in Chapter 1, an LEA must maintain its fiscal effort in support of free public education. The LEA can receive ESEA funds only if the SEA finds that either the combined fiscal effort per student, or the aggregate expenditure of the LEA and the SEA for free public education the preceding fiscal year, was not less than 90 percent of such combined fiscal effort or aggregate expenditure for the second preceding fiscal year.

If the LEA has failed to meet the 90 percent mark, then the Secretary has the authority to waive this requirement if it is determined that such a waiver would be "equitable." Equitable reasons would involve the LEA's failure to comply due to exceptional or uncontrollable circumstances, such as a

natural disaster or a precipitous decline in the financial resources of the LEA. Only in these limited situations will a waiver of the 90 percent requirement be granted.

VI. Flexibility in the Use of Administrative Funds

A. State Consolidation of Administrative Funds from ESEA and Goals 2000

The ESEA permits the SEA and LEA great flexibility in the use of administrative funds. Under section 14201 *et al* of the statute, these agencies have the option of consolidating funds made available for state and local administration under Title I, other major ESEA programs, and Goals 2000. The SEA may consolidate these administrative funds only if it can demonstrate that the majority of the agency's resources come from nonfederal sources.

If the SEA can demonstrate that the majority of its resources are from nonfederal sources, then it may consolidate administrative funds specifically made available to the agency under the following programs: Title I of the ESEA, the Dwight D. Eisenhower Professional Development Program (Title II of the ESEA), State and Local Programs for School Technology Resources (Title III of the ESEA), State Grants for Drugs and Violence Prevention Programs (Title IV of the ESEA), Innovative Education Program Strategies (Title VI of the ESEA, formerly Chapter 2), and Goals 2000.

B. SEA's Use of Consolidated Administrative Funds

An SEA must use the amount of consolidated administrative funds available under this section for the administration of all programs included. In addition, the SEA may use these funds for administrative activities designed to enhance the effective and coordinated use of funds under the programs. These activities may include coordination of the programs with other federal and nonfederal programs. Additional administrative activities include the establishment and operation of peer-review mechanisms under ESEA and administration of the General Provision section of the ESEA (Title XIV). Finally, an SEA may consider disseminating information regarding model programs and practices and providing technical assistance under the consolidated programs to enhance the effectiveness and coordination of consolidated administrative funds.

If the SEA does not use all of the funds available for administration under this section, the agency may use the extra funds during the applicable period of availability as funds available under one or more programs included in the consolidation.

C. Separate Records Need Not Be Maintained

An SEA that consolidates administrative funds under this section is not required to keep separate records for each individual program to account for costs relating to the administration of the consolidated programs. Maintenance of consolidated records is permissible.

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D. Review of SEA Administration

To determine the effectiveness of consolidated state administration, the Secretary may "periodically review" the performance of the SEA in using consolidated administrative funds. In addition, the Secretary may take steps to ensure the effectiveness of an SEA's consolidated administration effort, as the Secretary deems appropriate.

E. Consolidation of Funds for Standards and Assessments Development

In order to develop challenging state standards and assessments, an SEA may consolidate the funds designated for the purpose of developing standards and assessments under Title I of the ESEA and Title III of Goals 2000.

F. LEA Consolidation of Administrative Funds

As with the SEA, the LEA is given the option to consolidate administrative funds under Title I. In accordance with Department of Education regulations, an LEA may consolidate administrative funds available in the same programs available for state consolidation, in addition to the Migratory Education Program under ESEA. This consolidation can only take place at the consent of the SEA. However, in any fiscal year, the LEA may not use more than the percentage, as established in each consolidated program, of the total amount available to the LEA under the consolidated programs.

As noted above, the LEA must request permission for administrative consolidation from the SEA. As a result, by October 19, 1995, all SEAs must establish procedures for responding to requests from LEAs to consolidate administrative funds. These procedures must be developed in collaboration with LEAs in the state. The SEA must also establish procedures for limiting the amount of funds under covered programs that may be used for administration on a consolidated basis.

G. LEA's Use of Consolidated Administrative Funds

If an LEA consolidates administrative funds during one fiscal year, then the LEA cannot use any other funds under the consolidated programs for administration for that fiscal year.

An LEA may use consolidated funds for the same uses and purposes that an SEA uses these funds. As with the SEA, the LEA is not required to keep separate records of each individual consolidated program to account for administrative costs.

Chapter 6

Parental Involvement in Children's Education

I. Introduction and History of Parental Involvement Requirements

Practically from its inception, Title I has recognized the value of parental involvement in children's education. In 1988, under the Hawkins-Stafford Amendments, districts expanded their parental involvement activities by requiring local evaluation of parental involvement and addressing the literacy problems of parents through the Even Start initiative.[1] Under the Hawkins-Stafford Amendments, nearly three-quarters of the districts disseminated home-based education activities in addition to engaging in conventional parent-teacher conferences.[2] While the Hawkins-Stafford requirements modestly increased parental involvement, the efforts did not go far enough in engaging this essential group.

Three Components of Parental Involvement:

- Written policies for involvement at the school and district level
- Shared responsibility for high performance, through a school-parent compact
- Greater capacity for school and parent involvement

The reauthorized program expands the 1988 law to further strengthen the involvement of parents at the state, district, and school levels. Reauthorized Title I focuses on increasing parental involvement in the education of Title I students. The

1 U.S Department of Education, Office of Policy and Planning, Planning and Evaluation Service, Reinventing Chapter 1: The Current Chapter 1 Program and New Directions, Final Report of the National Assessment of Chapter 1 (Washington, D.C.: February 1993), p. 121. (hereinafter "Final Assessment")

2 Final Assessment, p. 122.

law is shaped around three components of parental involvement: 1) written policies for involvement at the school and district level; 2) shared responsibility for high performance, embodied in a school-parent compact; and 3) greater capacity for school and parent involvement. The law focuses on communication between all parties, where ongoing dialogue is established around students' progress. Comprehensive roles and responsibilities are recognized for parents, and support is provided to help parents meet these obligations. This chapter explains these detailed requirements for parental involvement.

II. LEA Responsibilities for Parental Involvement

A. LEA Must Involve Parents of Title I Students

The LEA can only receive Title I funds if it implements programs, activities, and procedures for involving parents of Title I students. These activities must be planned and implemented through meaningful consultation with these parents.

B. LEA Written Parental Involvement Policy Required

Each LEA that receives Title I funds must develop a written parental involvement policy. This policy must be jointly developed with the parents of participating children and must be agreed upon by the parents. The requirement of parental agreement is significant, since other sections of the law require the LEA or SEA merely to consult parents and acknowledge any dissenting comments. Once a final written policy is produced, it must be distributed to parents. In addition, the written parental involvement policy must be incorporated into the LEA's Title I plan, as described in chapter 1 of this book.

If the LEA operates under a pre-existing district-level parental involvement policy that applies to all parents, the LEA may amend that policy, if necessary, to meet Title I requirements.

C. Content of Written Parental Involvement Policy

The purpose of the written parental involvement policy is to establish expectations for parental involvement in school district activities. Five specific elements must be included in the written parental involvement policy:

1) The policy is to describe how the LEA will involve parents in two significant aspects of Title I participation: the joint development of the LEA Title I plan (as discussed in chapter 1) and the process of school review and improvement (as discussed in chapter 4).

2) The policy must describe how the LEA will provide the necessary coordination, technical assistance, and other support to assist participating schools in planning and implementing effective parent involvement.

3) Title I requires that the written policy articulate the LEA's methods of "build[ing] the schools' and parents' capacity for strong parental involvement" and lists 15

obligations for building this capacity. These 15 obligations are discussed in detail later in this chapter.

4) As with the rest of Title I, parental involvement strategies must involve coordination. The policy must explain the LEA's strategies for coordinating and integrating parental involvement measures, as required by other federal programs, such as Head Start, Even Start, the Parents as Teachers Program, and the Home Instruction Program for Preschool Youngsters. The policy also must demonstrate coordination with state-run preschool programs.

5) Accountability provisions are emphasized in the parental involvement policy. As explained in the policy, the LEA must conduct an annual evaluation of the content and effectiveness of the parental involvement policy. This review is conducted with the direct involvement of parents. The purpose of the evaluation is to determine the policy's effectiveness in increasing parental participation and in identifying barriers to their participation. Particular obstacles should be highlighted, specifically barriers concerning economic disadvantages, disabilities, English language barriers, literacy problems, or racial/ethnic minority status.

The findings of the evaluation will be used to design strategies for effectively improving schools, and the written policy must reflect this use. The parental involvement policy may need to be revised as a result of a poor evaluation.

D. Reservation of Funds

In one of the rare requirements to set aside funds under the new law, each LEA must reserve not less than 1 percent of the LEA's allocation under Title I to carry out parental involvement requirements, including family literacy services and parenting skills. These funds need not be reserved if 1 percent of the Title I allocation[3] is $5,000 or less, for the fiscal year in which the determination is made. The parents of Title I children must be involved in the decisions regarding how these reserved funds are to be allotted for parental activities.

E. Parental Disapproval of the LEA Title I Plan Must Be Acknowledged

If the LEA's comprehensive Title I plan is not satisfactory to the parents of participating children, the LEA must submit any parental comments with the plan when it is submitted to the state.

III. School Responsibilities for Parental Involvement

A. School Must Produce a Written Parental Involvement Policy

Similar to the written policy required from the LEA, each participating school must produce a written parental involvement policy, jointly developed between the school and the parents of Title I children. This policy must be agreed on by parents and distributed to them when completed. The

[3] When considering the amount of funds allocated under Title I for parental involvement activities, allocations should not include funds allocated specifically for capital expenses.

policy's purpose is to describe the means for carrying out the school's parental involvement responsibilities described in this chapter. The policy must be updated periodically to meet the changing needs of parents and the school.

To simplify Title I requirements, if the school operates under a pre-existing parental involvement policy that applies to all parents, the school may amend that policy to meet Title I requirements.

B. Obligations of the School

Each school maintains significant responsibilities under its parental involvement policy. Each school served must schedule an annual meeting at a convenient time, to which all parents of participating children shall be invited and encouraged to attend. The school must inform parents of the school's participation in Title I and advise them of its obligation to them as a Title I provider. The school also must explain the importance placed on parents' involvement and emphasize the parents right to be involved in their children's education.

The school is obligated to design parental involvement activities so that parents do not face many administrative burdens in attending. To encourage participation, the school must offer a flexible number of annual meetings, scheduling some in the morning or evening. The school may provide transportation, child care, or home visits, using Title I funds from this part to facilitate participation.

The school must involve parents in the planning, review, and improvement of Title I programs, including participation in the joint development of the school parental involvement policy and the schoolwide program plan. This involvement must be organized, ongoing, and timely. If the school already operates under a process for involving parents in the joint planning and design of its programs, the school may continue to use that process, as long as the process includes an adequate representation of parents of participating children.

Schools providing Title I services are obligated to provide parents of Title I students with specific and timely information regarding programs. The school must provide parents with the results of the local annual review of the school, mandated under the accountability provisions. These review results include overall school performance profiles that contain statistically sound results disaggregated by gender, race and ethnic group, English proficiency status, migrant status, economically disadvantaged, and disabled versus nondisabled students.

Assessments under Title I change radically from Chapter 1 requirements, as outlined in chapter 2 of this manual. Schools have the obligation to explain these new assessment measures to parents of Title I students. The school must provide parents with the individual student assessment results for their children, including interpretative and descriptive reports, scores, or other information on the attainment of student performance standards.

The school also must provide parents with a description and explanation of the curriculum in use at the school, the forms of assessment used to measure student progress, and the proficiency levels students are expected to meet. The school must provide opportunities for regular meetings to formulate suggestions, share experiences with other parents, and participate, as appropriate, in decisions relating to the education of their child. Finally, the school must provide parents with timely responses to parents' suggestions.

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C. Parents' Disapproval of Schoolwide Plan Must Be Recognized

If an eligible school decides to implement a schoolwide plan, parents of Title I students must be consulted. These parents must be involved in developing the schoolwide plan. The details of this plan are discussed in chapter 3. If the schoolwide program plan is not satisfactory to the parents of participating children, the school must submit any parent comments on the plan when the school makes the plan available to the LEA.

D. School-Parent Compact Reflects Shared Responsibility for High Student Performance

The reauthorized law puts new emphasis on the shared responsibility of parents and schools for the high performance of children. In recognition of this partnership, Title I initiates the use of school-parent compacts that identify the mutual responsibilities of each party to help Title I students succeed. As a component of the school-level involvement policy, each school must produce a school-parent compact jointly developed with parents of Title I children. This compact will outline how parents, the entire school staff, and students will share responsibility for improved student achievement. Schools and parents also are jointly responsible for building and developing a partnership to help children achieve the state's challenging standards.

The compact consists of three components. First, the compact must describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables Title I children to meet the state's student performance standards.

Second, the compact must describe the ways in which parents will be responsible for supporting their children's learning. This support could involve monitoring school attendance, homework completion, and television watching. Parents may volunteer in their child's classroom or participate in education decisions relating to children. Parents could have a primary role in decisions about the child's positive use of extracurricular time.

Third, communication is emphasized. The compact must address the importance of ongoing communication between teachers and parents. This communication must involve parent-teacher conferences in elementary schools, at least annually. During these conferences, the compact shall be discussed as it relates to the individual child's achievement. Communication also must include frequent reports to parents on their children's progress. Parents must have reasonable access to the school staff, and must have the opportunity to observe, volunteer, or participate in classroom activities.

IV. School and LEA Joint Obligations for Building Capacity for Involvement

A. Building Involvement Capacity

Title I focuses on building a greater capacity for parental involvement by reinforcing the importance of training and instructing both parents and educators. Each school and LEA maintains 15 obligations that should build both school and parent capacity for parental involvement. The purpose of these duties is to ensure effective involvement of parents and to support a partnership among the school, parents, and the community that will improve students' achievement.

15 Obligations by LEAs for Parental Involvement:

- Substantive information must be explained to parents
- Training and materials used to educate parents
- Teaching educators the value of parental input
- Programs for youngest students must involve parents
- Relationship between school and business community must involve parents
- Information on child development
- Appropriate language must be used
- Parents may be involved in training of educators
- Literacy training to parents
- Payment of auxiliary cost of parental involvement
- Increasing involvement of other parents
- Flexibility in meeting times
- Flexibility in meeting locations
- Model approaches
- Parents may request other support from the LEA and school

1) Substantive Information Must Be Explained to Parents
Educators bear the responsibility of helping parents understand federal and state policies and objectives concerning their children's education. Every LEA and school must assist parents in understanding the National Education Goals. The state's Title I responsibilities must be explained, including the state's challenging content and performance standards and aligned assessments, as well as any local assessments. The LEA and school must explain the state's support of schoolwide programs, targeted assistance programs, and school improvement programs, including corrective actions. Moreover, the LEA and school must explain to parents how to monitor a child's progress and work with educators to improve the performance of their children. Parents also must receive information on how parents can participate in decisions relating to their child's education.

2) Training and Materials Used To Educate Parents
The LEA and school must provide materials and training to educate parents on the requisite subjects cited above. It should include coordinating necessary literacy programs from other sources. Training must be designed to help parents work directly with their children to improve achievement.

3) Teaching Educators the Value of Parental Input
The LEA and school must educate teachers, pupil services personnel, principals, and other staff in the value and utility of parents' contributions. This education must occur with the direct assistance of parents. These hands-on personnel must be instructed on how to reach out to and communicate with parents as equal partners. Personnel must receive training on how to implement and coordinate parent programs, and how to build home-school ties.

4) Programs for Youngest Students Must Involve Parents
The LEA and school must coordinate and integrate parent involvement programs and activities with Head Start, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, public preschool programs, and other programs.

5) Relationship Between School and Business Community Must Involve Parents
The LEA and school must develop appropriate roles for community-based organizations and businesses in parent involvement activities. These roles should include providing information about opportunities for organizations and businesses to work with parents and schools. Partnerships between elementary, middle, and secondary schools and local businesses must be encouraged, and these relationships must include a role for parents.

6) Information on Child Development
The school and LEA must conduct other activities designed to help parents become full partners in their child's education. These activities include establishing parent resource centers and providing opportunities for parents to learn about child development and child rearing, beginning at a child's birth.

7) Appropriate Language Must Be Used
Considering the significant number of limited English proficient families served by Title I, information related to school and parent programs, meetings, and other activities must be sent to the homes of Title I children in the language used in the home.

8) Parents May Be Involved in Training of Educators
The training of teachers, principals, and other educators may involve Title I parents. Parental involvement should improve the effectiveness of training educators, thereby improving instruction and services to Title I children. Parents also should be involved in the educational program to a greater degree.

9) Literacy Training to Parents
The primary vehicle for providing literacy services to the parents of Title I students is through the Even Start Program, established under the Hawkins-Stafford Amendments. The Even Start portion of Title I follows immediately after the basic grant provisions discussed in this book. Title I basic grant funds may be used to provide literacy training, but only if the LEA has exhausted all other reasonably available funding sources for literacy activities.

10) Payment of Auxiliary Costs of Parental Involvement
The LEA or school may pay the reasonable and necessary expenses that parents incur by participating in school-related meetings and training sessions. These allowable auxiliary costs could include transportation and child care.

11) Increasing Involvement of Other Parents
The LEA or school may train and support parents to enhance the involvement of other parents.

12) Flexibility in Meeting Times
Meetings involving parents may be arranged at a variety of times, such as in the morning and evening, to maximize opportunities for parents to participate in school-related activities.

13) Flexibility in Meeting Locations
Teachers or other educators who work directly with participating children may arrange in-home conferences with parents who are unable to attend conferences scheduled at school.

14) Model Approaches
The school or LEA may adopt and implement model approaches to improving parental involvement activities, such as Even Start.

15) Parents May Request Other Support from the LEA and School
The LEA and school must provide "such other reasonable support" for parental involvement activities, if parents request it. This additional "reasonable support" is not defined in the statute.

B. Accessibility for Disadvantaged Parents

The LEA and school share responsibility for providing full participation opportunities for parents with limited English proficiency or with disabilities. These opportunities must include, to the extent practicable, providing information and school profiles in a language and form these parents would be able to understand.

C. Parental Information and Resource Center

Title I coordinates parental involvement services already in place from other laws. In states where parental information and resource centers have been established under Goals 2000, the participating LEA and school must inform parents and parent organizations of their existence and purpose. These centers exist to provide training, information, and support to parents and individuals who work with parents. Parents and organizations must receive a description of the services and programs provided by the information and resource centers, be advised on how to use them, and be assisted in contacting such centers.

Chapter 7

Professional Development

I. Introduction and History of Professional Development Requirements

Title I instructors face special challenges that can undermine their effectiveness. Disadvantaged students living in high-poverty areas pose unique problems to teachers, principals, and other school personnel. Therefore, Title I programs aim to support and advance the efforts of instructors through intensive professional development. While Chapter 1 modestly encouraged professional development, the quantity and design of the programs offered little promise of achieving the success envisioned under the ambitious National Education Goals. A 1993 survey of teachers demonstrated that the instructional staff in Chapter 1 schools received little intensive staff development: Only one-fourth of Chapter 1 secondary school teachers had 35 or more hours of staff development over the previous 12 months, including the summer. Teachers also received development on multiple topics, but the amount of time on each topic ranged from only 3 to 6 hours per year.[1] Chapter 1 elementary aides received even less staff development than Chapter 1 elementary teachers: only 9 percent of aides participated in more than 35 hours of development a year, compared with 32 percent of Chapter 1 teachers.[2]

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1 U.S. Department of Education, Office of Policy and Planning, Planning and Evaluation Service, Reinventing Chapter 1: The Current Chapter 1 Program and New Directions, Final Report of the National Assessment of Chapter 1 (Washington, D.C.: February 1993), p. 98. (hereinafter "Final Assessment")

2 Final Assessment, p. 98.

Instructional practices bear directly on instructional quality, and this theory underlies Title I's emphasis on professional development. Adequate teacher training is especially important in this reauthorization since a significant number of the programs are new and can only be successful if properly informed teachers implement policies appropriately. In fact, professional development commands a distinct section in the reauthorized statute. Every participating LEA must provide "high quality professional development that will improve the teaching of the academic subjects, consistent with the State content standards, in order to enable all children to meet the State's performance standards."

This chapter highlights the four components of professional development programs required under the new law and reviews many optional professional development activities. The new, stricter education requirements for instructional aides are discussed, as well as the mandates for consolidating funding and delivery methods of professional development services. The reauthorized professional development provisions focus on the overall goals of Title I, particularly high standards, coordination, and flexibility.

II. Requirements for Professional Development Under Title I

A. Design of Professional Development Program

The requisite professional development program is created at the grassroots level by individuals directly involved in delivering Title I services. In reauthorizing Title I, lawmakers felt that individuals closest to the classroom should have more authority to make decisions about instructional approaches that most benefit their students. Therefore, the professional development program must be designed and developed by teachers, principals, and other school staff in schools receiving Title I assistance.

An LEA's strategy for providing professional development, according to the Title I requirements explained in this chapter, must be described in the general LEA Title I plan submitted to the state. Details of this LEA plan are explained in chapter 1 of this manual.

B. Requisite Activities for Professional Development Program

Title I requires every professional development program to include four components that broadly reflect the goals of the statute, such as the expectation of high standards and coordination between overlapping laws. The four required components of professional development programs are discussed below.

Four Required Components of Professional Development Programs:

- Challenging content standards emphasized
- Coordinating between plans and pooling funds for professional development activities
- Vocational education must be addressed
- Elimination of gender and racial bias in instructional materials and methods

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1) Challenging Content Standards Emphasized
Professional development activities must include instructional practices complementing the state's challenging content standards and must create a school environment conducive to high academic achievement.

2) Coordinating Between Plans and Pooling Funds for Professional Development Activities
To further coordination among programs, the professional development plan must be consistent with the general LEA Title I plan and the schoolwide program plan, if the school participates in such a program. Furthermore, funds used for professional development activities under this part must be combined with funds from other professional development sources to increase the funding available within a school district for professional development. Specifically, the statute provides that Title I professional development activities must be funded by pooling resources from other parts of Title I, the Dwight D. Eisenhower Professional Development Program of the IASA, Title III of Goals 2000, and "from other sources." Pooling resources from different sources is possible through the flexibility provisions of Title I. The notion of flexibility is a general theme throughout the act.

3) Vocational Education Must Be Addressed
Vocational and academic education is integrated throughout the reauthorized Title I, as reflected in requirements for professional development programs. Where the LEA deems appropriate, professional development activities must include strategies for developing curricula and teaching methods that integrate academic and vocational instruction. This requirement includes applied learning and team teaching strategies.

4) Elimination of Gender and Racial Bias in Instructional Materials and Methods
An objective of Title I is to ground the educational experience of students in gender and racial equity. All professional development activities must include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.

C. Optional Professional Development Activities

While the four components listed above are required elements of any professional development program, the LEA has discretion to include a host of other options.

Title I focuses on coordinating and consolidating professional development activities among various groups, using a variety of funds. To increase efficiency, joint professional development activities would be possible involving programs under other Title I sections, and personnel from Head Start, Even Start, or a state-run preschool program. Title I encourages partnerships between schools or LEAs and higher education institutions. These partnerships help to establish school-based teacher training programs that provide prospective teachers and novice teachers with an opportunity to work under the guidance of experienced secondary school teachers and college faculty. The LEA also may create a career ladder program to help teachers' assistants, obtain the necessary education to become licensed and certified teachers.

Other optional professional development activities could include instruction in various methods of teaching children with special needs or in acceptable uses of assessments and technology. Activities may involve instruction on more effective ways that teachers, principals, pupil services personnel, and school administrators may work with parents of the children served. Instruction also could include experiential-based teaching methods such as service learning.

To complement the requirement to eliminate gender bias in instructional materials and techniques, programs may include instruction in gender-equitable education methods, techniques, and practices.

D. Wide Participation in Professional Development

Professional development activities should be designed so that all Title I educators will participate, in addition to some non-Title I teachers. All staff in schoolwide programs are encouraged to participate in professional development. In addition, Title I encourages school staff in targeted assistance schools to participate in professional development, whether the individual directly serves Title I students or not. However, non-Title I staff may participate in professional development only if such participation will result in better addressing the needs of targeted Title I students.

Parents may participate in professional development activities if the school determines their parental participation would be appropriate. Under Title I's parental involvement provisions, teachers, pupil services personnel, principals, and other staff are trained in the value of parental contributions, and parental participation in these activities is authorized. Other requirements for parental involvement are discussed in chapter 7 of this book.

E. Instructional Aides Require High Educational Qualifications and Greater Professional Development

The law recognizes that teachers are not the only providers of educational services to participating children. Instructional aides make up approximately half of all Chapter 1 staff.[3] Most Chapter 1 aides in elementary schools have only a high school diploma; only 13 percent have a college degree; and just 4 percent have a more advanced formal education.[4] During 1990-91, 63 percent of aides provided instruction under the supervision of a Chapter 1 teacher; 20 percent taught without teacher supervision.[5]

Title I addresses the frequent use of instructional aides and sets clear educational and supervisory requirements for them. If an LEA uses Title I professional development funds to employ instructional aides, it must ensure they are qualified. Instructional aides must possess sufficient knowledge and skills to assist participating children in meeting the educational goals of Title I. These aides must be under the direct supervision of a teacher with primary responsibility for providing instructional services to Title I children.

Regarding specific qualifications, an instructional aide must meet one of two educational criteria: The aide must either 1) have a secondary school diploma (or its recognized equivalent) at the time of hiring or 2) earn the diploma (or its equivalent) within two years of employment. There is one

[3] Final Assessment, p. 94.
[4] Final Assessment, p. 96.
[5] Final Assessment, p. 95.

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exception to this requirement: An LEA may employ an instructional aide that does not meet the educational requirements if he or she possesses proficiency in a language other than English needed to enhance the participation of children in Title I programs.

If an LEA is using instructional aides to work with Title I children, they must be included in any professional development activities.

F. Consortia May Be Formed for Providing Professional Development

To enhance the efficiency and coordination of professional development activities occurring throughout a state, Title I provides for their consolidation. Just as the funding of professional activities may be a joint effort between other federal programs, the delivery of these services may be a joint effort among various entities and institutions. An LEA may provide professional development activities through a consortia arrangement with other LEAs, educational services agencies or other local consortia, higher education institutions, or other public or private institutions and organizations. Consolidating and combining these activities enhances the flexibility and simplicity of Title I requirements for professional development under the new law. LEAs are given more room to design a more imaginative and effective professional development program.

G. Effective Teaching Strategies

To improve the performance of the overall educational programs at a school, Title I provides for the sharing of information between Title I instructors and regular classroom teachers. The statute explicitly provides that the knowledge of effective teaching strategies gained through Title I professional development activities may be shared with teachers who are not instructors in Title I targeted assistance programs. Such a provision for sharing information reduces the compartmentalized return of Chapter 1 programs.

H. State Review of LEA's Professional Development Program

As discussed in the first chapter on state and local planning, the SEA must review the Title I plan presented by the LEA to determine if it properly addresses professional development activities. Most importantly, the SEA must review whether professional development is tied to the state's challenging content and performance standards. The activities must reflect research on teaching and learning, where possible, and be designed to have a positive impact on the teacher's performance in the classroom. The strategies must include methods of teaching children with special needs. Professional development involves gender-equitable education methods, techniques, and practices.[6] The SEA must determine whether these activities contribute to continuous improvement in the classroom or throughout the school. The SEA must ensure professional development activities are developed with the extensive participation of teachers.

If the LEA plan does not address the seven objectives described immediately above, the SEA must provide technical assistance to the LEA so that it may make progress toward including these objectives in its LEA plan for professional development activities.

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[6] This provision represents an inconsistency in the law. While gender-equitable education methods, techniques, and practices appear to be required elements of the state review, these activities are described as optional in the earlier portions of the professional development section.

In conducting its review of the LEA plan, the SEA cannot require a school or LEA to expend a specific amount of funds for professional development activities. Approval of the LEA plan cannot be tied to this form of spending requirement. However, the state can always impose corrective actions. This prohibition on imposing spending amounts does not apply if the spending mandate occurs as corrective action imposed on the school or LEA after program improvement.

Chapter 8

Equitable Participation of Children Enrolled in Private Schools

I. Introduction and History of Service to Private School Children

The participation of eligible private school students in Title I/ Chapter 1 programs has been marked by controversy since the law's inception. At the center of this controversy lies the constitutional mandate for the separation of church and state. During the first two decades of Title I/Chapter 1, students in religious schools were served like their public school counterparts, leaving regular classes for pull-out instruction provided by public school teachers in the private school setting.[1]

This method of delivering services changed radically as a result of the 1985 U.S. Supreme Court ruling, Aguilar v. Felton. The Supreme Court ruled that using Chapter 1 funds to pay public school teachers to provide instruction in religious schools represented excessive entanglement of church and state and was, therefore, unconstitutional.[2] As a result of Aguilar, Chapter 1 services must be delivered at religiously neutral sites, such as mobile vans, portable classrooms, or public schools. Limited services are permitted within the religious school itself: specifically, computer-assisted instruction (CAI) in specially designated laboratories and testing to determine student needs for health, nutritional, speech, and hearing services.[3]

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1 U.S. Department of Education, Office of Policy and Planning, Planning and Evaluation Service, Reinventing Chapter 1: The Current Chapter 1 Program and New Directions, Final Report of the National Assessment of Chapter 1 (Washington, D.C.: February 1993), p. 138. (hereinafter "*Final Assessment*")

2 Aguilar v. Felton, 473 U.S. 402 (1985).

3 Final Assessment, p.138.

In June 1994, the Supreme Court issued another significant ruling in this area. In Kiryas Joel v. Louis Grumet, Justice Sandra Day O'Connor's concurrence asserted that while the religion clauses of the U.S. Constitution prohibit the government from favoring religion, they "provide no warrant for discrimination against religion."[4] The Establishment Clause jurisprudence, she argued, has led to government animosity, not impartiality, toward religion. Justice O'Connor suggested the Court be prepared to reconsider Aguilar in order to remedy this religious hostility.

The reauthorized law significantly impacts the Title I services that will be available for eligible children who attend private schools. While a few of these changes were anticipated by policy makers in Congress and the U.S. Department of Education, many of the effects of the law on the private school community appear to be unanticipated. As LEAs and private school officials become more familiar with the statute and regulations, repercussions will continue to be felt.

Primary Elements for the Provision of Services to Private School Children:

- Equity—services must be provided on an equitable basis with services to public school children
- Meaningful Consultation—the LEA must engage in meaningful and timely consultation with private school officials
- Secular Nature—Secular, nonideological services must be provided
- Public Control—Funds must remain in the control of a public agency
- Capital Expenses—Grants may be used to meet Aguilar requirements

Under Title I, provision of services to private school children is built around five primary tenets: 1) Equity—Services must be provided on an equitable basis with services to public school children. 2) Meaningful Consultation—The LEA must engage in "meaningful and timely consultation" with private school officials. 3) Secular Nature—Secular, nonideological services must be provided. 4) Public Control—Funds must remain in the control of a public agency. 5) Capital Expenses—Grants may be used to meet Aguilar requirements. This chapter discusses these requirements, in addition to new implications regarding the allocation of services to private school children.

II. Services Must Be Provided on an Equitable Basis

A. Services to Private School Children Must Be Equitable with Services to Public School Children

A local education agency must provide equitable services to children attending private school who are identified as eligible under the formula for targeted assistance. The statute explicitly requires that educational services and other benefits for private school children "shall be equitable in comparison to services and other benefits for public school children participating under this part." Chapter 1 set forth four objective standards for determining whether services to private school students were equitable to those available to their public school counterparts. These standards were eliminated in Title I, partially because most districts did not have trouble meeting the quantitative equitability standards.[5] Moreover, elimination of these standards further demonstrates the simplicity of the reauthorized law.

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[4] Kiryas Joel v. Louis Grumet, 62 U.S.L.W. 4665, 4673 (June 27, 1994).

B. Provision of Services and Benefits

The services that may be provided to private school students include special education services; dual enrollment; mobile educational services and equipment; and technology such as educational radio and television, computer equipment, and materials.

The services to private school children may be provided directly or through contracts with public and private agencies, organizations, and institutions. If the district uses a private agency, organization, or institution, it remains fiscally responsible for the services provided.

C. Expenditures Equal to that of Public School Children

Title I requires that expenditures for services and benefits to eligible private school children must be equal to the proportion of funds allocated to participating school attendance areas, based on the number of children from low-income families who attend private schools. This is one objective standard that demonstrates equitable service to private school children.

D. Standards for Bypass

If an LEA is prohibited by state constitution or statutory restrictions from providing for the equitable participation of services to private school children, or if the Secretary determines that an LEA has "substantially failed or is unwilling to provide for such participation," the Secretary bypasses the state department of education and the local school district. The Secretary must waive the Title I requirements for the LEA and arrange provision of these services through other sections of IASA, specifically "Complaint Process for Participation of Private School Children" (§14505) and "Bypass Determination Process" (§14506).

Through this bypass process, the Department of Education provides services to private school children through competitive contracts with nonreligious, third-party vendors. Contractors are required to employ teachers with the same qualifications as those in the public school programs and to pay them comparable salaries.

As discussed earlier in this chapter, any district can choose to provide Title I services to private schools through a third-party contractor. In district-initiated third-party contracts, unlike bypass arrangements, the salaries of instructional staff are usually lower than the salaries paid to district teachers.[6] In choosing to use third-party contractors, the district maintains fiscal responsibility for the services provided and must monitor the equitability of the services.

Similar bypass procedures and third-party contract options were available under Chapter 1. Nationally, approximately 23,400 private school students received Chapter 1 services from third-party contractors, and local officials asserted that services under these contracts was of the same quality as services the district could provide.[7] These third-party contracts make it possible to serve small concentrations of students at individual service delivery sites.[8]

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7 Id. p.144.
8 Id. p 144-45.
5 Final Assessment, p. 142.
6 Id.

III. Meaningful Consultation Required

A. "Timely and Meaningful" Consultation with Private School Officials Before Provision of Services

Before arranging for the provision of any services, school officials must engage in "timely and meaningful consultation" with the appropriate private school officials. This meeting must occur during the design and development of the LEA's program for offering services to private school children.

Title I's meaningful consultation provision represents a change from Chapter 1 requirements. Part of the cause for this change was research indicating that many barriers to wider participation of private school children in Chapter 1 programs were overcome through consultation with private school officials.[9] Therefore, Title I requires "timely and meaningful consultation" to remedy the dearth of meaningful consultations under Chapter 1.

B. Substance of Consultation

Under Chapter 1, districts were required to consult annually with private school officials during Chapter 1 planning, implementation, and operations; but these consultation practices varied considerably. The consultations that did occur focused on identifying eligible students. Chapter 1 consultations did not address the academic subjects to be taught, the grade levels to be included, the location of service, or program evaluation.[10] In response to ineffective consultations under Chapter 1, the reauthorized requirements specify what issues must be covered in the consultation.

To ensure that this consultation is "meaningful," as required under the statute, the participants in consultation must address how the children's needs will be identified. The consultation must involve consideration of what services will be offered, how and where the services will be provided, and how the services will be assessed. The participants must discuss the size and scope of the equitable services to be provided to the eligible private school children. The amount of funds available for private school service, based on the funds allocated to the participating school attendance area for this purpose, must be identified and discussed during the consultation.

Finally, the methods of delivering service to private school children, a controversial subject, must be debated. Participants in the consultation must discuss service delivery mechanisms that an LEA can use to provide equitable services to eligible private school children.

C. Timing of Consultation

The requisite consultation must occur before the LEA makes any decision that would affect an eligible private school child's opportunity to participate in Title I.

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[9] Id. p. 140.

[10] Id. p.140

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IV. Secular, Neutral, Nonideological Services Must Be Provided

A. Separation of Church and State Requires Provision of Secular Services

As under Chapter 1, the law mandates that all educational services and benefits, including any materials or equipment, "shall be secular, neutral, and nonideological." While this provision is brief in text, its implications are significant. All activities of Title I personnel must be removed completely from any religious influence of the private school. While the statutory provision does not explicitly go as far as Aguilar v. Felton in restricting the activities of public school teachers, Aguilar restrictions currently in place have not changed as a result of the Title I reauthorization. As noted earlier in this chapter, the holding in Kiryas Joel may lead the U.S. Supreme Court to revisit these restrictions.

V. Public Control of Funds

A. Control and Title Must Remain with Public Agency

A public agency must remain in control of Title I funds used to provide services to private school children. The title to materials, equipment, and property that is purchased with Title I funds rests in a public agency. The public agency is responsible for administering such funds and property.

B. Provision of Services by Public Agency

The provision of services to private school Title I children will be provided by the public agency itself, or through a contract by the public agency with an individual, association, agency, or organization. The public agency will remain in control of this employment and contractual relationship and maintain fiscal responsibility for the program.

Employees of the public agency or the third-party contractors must act independently from the private school served. To avoid excessive religious entanglements, Title I providers cannot be associated with a religiously affiliated organization.

VI. Capital Expense Grants

A. Capital Expense Grants To Be Used To Meet Aguilar Requirements

In 1988, the Hawkins-Stafford Amendments authorized additional Chapter 1 funds for capital expenses incurred to comply with Aguilar v. Felton. This explicit authorization of funds to pay for capital expenses continues under Title I: over $41.4 million was authorized to be appropriated for fiscal year 1995, and "sums as may be necessary" for fiscal years 1996-1999. As part of this authorization, each state is eligible to receive an amount proportional to the number of private school children who received service in the state as compared to the number of private school children served across the country. Determinations of this ratio should be based on data from the most recent year for which data is available.

Any amounts that are not used by a state for service to private school children must be reallocated by the Secretary to other states on the basis of respective need as set forth in the states' respective applications for assistance to serve private school children. This determination of need is to be decided by the Secretary. The LEA must apply to the SEA to obtain grants for capital expenses.

B. Uses of Funds from Capital Expense Grants

Funds from capital expense grants may be used only for capital expenses incurred in providing equitable services offered to private school children. Capital expenses include any expenditures for noninstructional goods and services. These expenses include the purchase, lease, or renovation of real and personal property, such as mobile education units and the leasing of neutral sites or spaces. Allowable capital expenses also include insurance and maintenance costs, transportation, and other comparable goods and services. The payment of administrative costs faced by school districts are considered reimbursable capital expenses. The funds may not be used to purchase computers or other items directly related to instruction.

VII. Allocation for Services to Private School Children

The double-ranking formula Title I uses to allocate funds, including allocating funds for service to private school children, is more complicated than the formula used under Chapter 1. Funds are generated for service to private school children based on the number of private school children from low-income families who reside in a participating school attendance area, regardless of where they attend private school. Based on the number of these children, a pot of funds will be generated for service to educationally disadvantaged private school children who reside in participating attendance areas. The method of allocating these funds for service to children in various non-public schools is not explained in the statute, and the Department of Education has intimated that some flexibility may be injected into this determination. The Department has suggested allowing an LEA to choose between two options: 1) permitting funds to follow each low-income child to the private school that he or she attends to be used for services for educationally disadvantaged children who attend that private school, or 2) allowing the LEA to consult with the private school officials to determine which students in which private schools will be served, depending on where the educational need is the greatest.[11]

Once funds have been designated for services in a particular private school, the LEA, in consultation with private school officials, will determine which students are educationally disadvantaged. Those educationally disadvantaged children will receive Title I services.

The new law leaves many questions unanswered regarding services to private school children. Education officials are unclear what definition of poverty will be used for private school children, and they anticipate this decision being made at the LEA level, in consultation with the private school officials.[12] In addition, the education department predicts significant litigation on the issue of government entanglement in religious private schools. Under the new funding formula, funds

[11] Comments of Education Department Officials, March 23, 1995.

[12] Comments of Education Department Officials, Negotiated Rulemaking, January 18-19, 1995.

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do not attach to one child on the basis of poverty and educational disadvantage; therefore, a period exists when funds are attributed to a private school without knowing which children will be served. Officials are concerned that during this period, the private school could appear to be in control of the public funds.[13]

[13] *Id.*

Chapter 9

Coordination Requirements and Fiscal Obligations

I. Introduction and History of Coordination and Fiscal Requirements

Title I contains specific coordination requirements to facilitate simple and effective implementation of Title I programs. One of the most significant effort-saving provisions permits the submission of consolidated applications: The state and local education plans required under Title I may be submitted as part of a consolidated application. In addition, Title I devotes an entire section to coordination efforts that ensure a smooth transition from early childhood programs. These requirements focus on coordination between the Head Start agency and Title I administrators.

While states and districts enjoy greater flexibility and autonomy under the reauthorized statute, important fiscal requirements still apply to Title I expenditures by the SEA and LEA. To ensure that an LEA uses Title I funds to provide services that augment those usually provided to children through other programs it must meet three fiscal requirements related to the expenditure of state and local funds. Title I requires that the LEA 1) maintain fiscal effort

Mandatory Fiscal Requirements Under Title I:

- Maintain fiscal effort in support of free public education
- Provide services with state and local funds that are at least comparable to services provided in schools and areas not receiving Title I funds
- Use Title I funds to supplement, not supplant regular nonfederal funds

in support of free public education; 2) provide services with state and local funds that are at least comparable to services provided in schools and areas not receiving Title I funds; and 3) use Title I funds to supplement, not supplant regular nonfederal funds.

In addition to the LEA's obligations, the SEA maintains significant fiscal responsibilities under the reauthorized law. The state must 1) use Title I funds to supplement, not supplant regular nonfederal funds; 2) ensure that state expenditures for administering nonfederal education programs are equal to or exceed the level of state expenditures for administering federal education programs; and 3) financially support and assist schools through the state support system. This chapter analyzes both coordination and fiscal requirements.

II. Consolidated Applications Permitted Under Title I

A. State and Local Plans May Be Submitted as Part of Consolidation Plan

In a dramatic change from Chapter 1 requirements, the state Title I education plan, as described in Chapter 1, may be submitted to the Secretary of Education as part of a consolidation plan. As discussed in chapter 1 of this manual, approval of a consolidated plan does not alter a state's obligation to continue to comply with all requirements of each program, including those that would have been described in the individual plan components or assurances under the statute. In addition, while states may consolidate administrative funds under §14201 of the ESEA, as discussed later in this chapter, approval of a consolidated state plan does not authorize the commingling of program funds.

As part of a consolidation plan, a state may incorporate its application for Title I programs with plans required under Even Start, the Neglected and Delinquent Program, the High School Dropout Program, the Perkins Act, Goals 2000, School-to-Work, and other laws as permitted by the Secretary.[1]

The Department of Education is encouraging state and local administrators to take advantage of the simplified consolidated application process,[2] and has set forth proposed requirements for how to produce a consolidated state plan.[3] These planning requirements are discussed in detail in the first chapter.

This feature of Title I promises to greatly simplify and coordinate the requirements between Title I and other relevant laws. Rather than submitting numerous lengthy applications for different programs, the states may now streamline their efforts by submitting one comprehensive application. Only the application process has been combined, however, and the substantive requirements of these other programs must still be met.

1 §14302 of Title I of the Improving America's Schools Act.
2 Federal Program Conference, Baltimore, Maryland, December 2, 1994.
3 60 Fed. Reg. 3307, January 13, 1995.

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III. Coordination Required Between Head Start and Title I

A. LEA Must Coordinate Title I and Head Start Activities

As noted throughout this book, a central goal of the reauthorized Title I is to coordinate the requirements of laws that serve similar populations. Title I devotes an entire section to creating a smooth transition from preschool to elementary school by coordinating Title I with Head Start requirements. Under the statute, the LEA must work to increase coordination between the LEA and a Head Start agency, and if feasible, other early childhood development programs that serve children who eventually will attend the schools of that district.

The LEA must design activities to enhance the coordination between these groups. These activities include developing and implementing a systematic procedure for receiving records of children transferred with parental consent from Head Start or other early childhood development programs. The LEA also must establish channels of communication between school staff and their counterparts in Head Start agencies or other preschool programs, including teachers, social workers, and health staff. Other coordination activities include conducting meetings involving parents, kindergarten or elementary school teachers, and teachers from Head Start or other preschool programs. Participants in these meetings must discuss the developmental needs of individual children, in addition to any other needs that may hinder a child's educational development. Finally, coordination activities must involve organizing and participating in joint transition-related training of school, Head Start, and other early childhood staff.

B. Extent of Compliance

Each LEA that receives Title I assistance must carry out these coordination requirements "to the extent feasible and appropriate to the circumstances." To assist in compliance, the LEA must attempt to secure the cooperation of parents and local Head Start agencies or other early childhood development programs.

IV. Maintenance of Effort

A. LEA Must Spend at Least 90 percent of Funds Spent on Education During Preceding Year

Maintenance of effort requirements under Title I remain the same as requirements under Chapter 1. An LEA may receive Title I funds only if the SEA determines that the LEA has maintained its fiscal effort as required by the ESEA. The SEA must determine that either the combined fiscal effort per student, or the aggregate LEA and SEA expenditures on free public education in the LEA for the preceding fiscal year, were not less than 90 percent of the combined fiscal effort or aggregate expenditure for the second preceding fiscal year.

In determining whether an LEA has maintained fiscal effort, the SEA must analyze the LEA's expenditures from both state and local funds for free public education. According to the Chapter 1 policy manual, the expenditures to be analyzed include expenditures for administration, instruction,

attendance, health services, pupil transportation, plant operation and maintenance, fixed charges, and net expenditures to cover deficits for food services and student body activities. Expenditures not to be included in the SEA's analysis are: expenditures for community services, capital outlay, and debt services.[4]

B. Reduction in Case of Failure To Meet 90 percent Mark

If the LEA fails to meet the 90 percent mark for any fiscal year, the SEA must reduce the amount of funds allocated under a Title I program in the exact proportion to which an LEA fails to meet the 90 percent requirement. In other words, the SEA must reduce the LEA's Title I allocation proportionate to the LEA's failure to maintain effort. For example, if during the preceding year the LEA needed to spend $900,000 to meet the 90 percent level, but only spent $850,000, the LEA failed to meet the 90 percent level by $50,000. Therefore, the SEA must reduce the LEA's allocation by 5.6 percent (50,000 ÷ 900,000 = 5.6%).[5] The SEA must use the measure that is most favorable to the LEA when deciding between the combined fiscal effort per student and aggregate expenditure.

C. Waiver for Failing To Meet the 90 percent Mark

If an LEA fails to meet the 90 percent mark, the Secretary has the discretion to waive this requirement if he or she determines such a waiver would be "equitable." Equitable reasons would involve the LEA's failure to comply due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous decline in the LEA's financial resources. Only in these limited situations will a waiver of maintenance of effort provisions be granted.

D. Amount To Be Used in Subsequent Years

In determining maintenance of effort for the fiscal year immediately following the fiscal year in which the LEA failed to maintain effort, the SEA must consider the LEA's expenditures in the year the failure occurred to be no less than 90 percent of the expenditures for the third preceding year. No lesser amount may be used for computing the effort required to maintain effort for the subsequent years.

V. Comparability of Services

A. Services Must Be Comparable Among Participating and Nonparticipating Schools and Among All Schools Served

Title I requires that services must be comparable among participating and nonparticipating schools and among all schools served. State and local funds must be used in participating schools to provide services that, taken as a whole, are "at least comparable" to services in schools that do not participate in Title I programs. Moreover, if an LEA serves all of the Title I schools in its district, the LEA must use state and local funds to provide services that, taken as a whole, are "substantially comparable" in each participating school. Comparability may be determined on a grade-span by grade-span basis or on a school-by-school basis.

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[4] Chapter 1 Policy Manual (April 1990), p. 99.

[5] Chapter 1 Policy Manual (April 1990), p.100.

The comparability requirements discussed in this chapter do not apply to an LEA that does not have more than one building for each grade span.

B. Written Assurance

LEA Written Assurances for Comparability Requirements:

- LEA-wide salary schedule
- Policy to ensure equivalence among schools with regard to teachers, administrators, and other staff
- Policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

To meet the necessary comparability requirements, the LEA must file written assurances with the SEA. These assurances must establish that the LEA has developed and implemented the following three features: 1) an LEA-wide salary schedule; 2) a policy to ensure equivalence among schools with regard to teachers, administrators, and other staff; and 3) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

For the purpose of making these assurances, in the determination of expenditures per pupil from state and local funds or in the instructional salaries per pupil from state and local funds, staff salary differentials for years of employment are not included in the determinations.

Moreover, an LEA need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services.

C. Procedures and Records To Document Compliance Must Be Maintained

Every participating LEA must develop procedures for compliance with the comparability requirements discussed in this chapter. The LEA also must maintain records updated biennially, which document the LEA's Title I compliance. For instance, if the LEA files a written assurance that it has established and implemented a districtwide salary schedule, as well as policies to ensure equivalence among schools in staffing and provision of materials and supplies, it must keep records to document that the salary schedule and policies were implemented and that equivalence was achieved.

D. Certain Costs Excluded in Establishing Compliance

For the purpose of determining compliance with comparability requirements, the LEA may exclude state and local funds expended for bilingual education for children of limited English proficiency. In addition, the LEA may exclude the excess cost of providing services to children with disabilities as determined by the LEA.

VI. Federal Funds To Supplement, Not Supplant, Nonfederal Funds

A. LEA and SEA Must Use Federal Funds To Supplement Nonfederal Spending

The prohibition on supplanting nonfederal spending with federal funds continues under Title I. Both the state and local educational agencies must use federal funds received under Title I to supplement the amount of funds available from nonfederal sources for the education of students participating in Title I. The SEA and LEA cannot use these federal funds to supplant funds that would, in the absence of Title I funds, have been spent on Title I students.

To meet the supplement-not-supplant provision, an SEA or LEA may exclude supplemental state and local funds expended for programs that meet the requirements of schoolwide programs or targeted assistance programs. For example, when determining compliance with the supplement-not-supplant requirements, an LEA may exclude state and local funds expended for carrying out special programs to meet the educational needs of educationally deprived children. The purpose of this exclusion is to allow state and local compensatory education funds to be used to further extend services similar to those provided by Title I to educationally deprived students without requiring these funds to be distributed equitably among Title I and non-Title I students. Title I funds may not be used to provide students with services that the state or local program funds are required to provide.

As under Chapter 1, no LEA shall be required to provide Title I services through a particular instructional method or in a particular instructional setting to demonstrate the agency's compliance with the supplanting prohibition.

VII. Requirement for State Administrative Spending

A. Funds Spent by the State To Administer Federal Education Programs Cannot Be Greater Than Funds Spent by the State To Administer Nonfederal Education Programs

Title I requires that funds a state spends to administer federal education programs must be less than the funds spent to administer nonfederal education programs. The statute requires that the SEA's aggregate state expenditure for the operation of elementary and secondary education programs must be greater than the SEA's aggregate federal expenditure for the state operation of all federal elementary and secondary education programs.

If this fiscal requirement is not met, then the state plan must include assurances that it will be met by October 1, 1998.

VIII. State Obligation To Support Schools

A. Funds Used for Establishing Statewide Support System

Specific funds are designated to be used by the state in designing and implementing its state support system. The designated funds are to be used for all aspects of programs for school program improvement and corrective actions, district improvement and corrective actions, school support teams, and distinguished schools and educators. Title I provides two distinct sources of funds from basic grants, migratory education, and neglected/ delinquent youth programs to be used for accountability purposes:[6] 1) funds for program improvement, and 2) funds for administrative purposes.

1) *Funds for Program Improvement*

For the purpose of school and district improvement and statewide support, a state may reserve one-half of one percent of its funds allocated for Title I basic grants migratory education and programs for neglected, delinquent, or at-risk youth for fiscal years 1995 through 1999. In addition, Congress authorized the federal government to appropriate "such sums as may be necessary" for fiscal years 1996 through 1999 to execute the accountability provisions discussed in chapter 4, particularly school improvement.

Certain minimums apply to this amount: The total combined amount that may be reserved by each state for any fiscal year, in accordance with the provision described above, may not be less than $200,000. The total amount that may be reserved by each outlying area (Guam, American Samoa, the Virgin Islands, the Northern Marianas, and Palau) may not be less than $25,000. If this amount is less than $200,000 for any fiscal year, then the state may reserve additional funds under Title I basic grants; migratory education; and programs for neglected, delinquent, or at-risk youth as necessary to make $200,000 available to each state. Similarly, each outlying area may reserve these Title I funds as necessary to make $25,000 available.

The statute provides for an additional state allocation for school improvement. In addition to the federal government authorization to appropriate "such sums as may be necessary" for fiscal years 1996 through 1999, each state is eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the state under Title I bears to the total amount allocated to all states under Title I. Administrative expenses are not included in the calculation of these ratios.

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[6] A third source of funds is available for operating school improvement programs and the state support system, found in the reauthorized Chapter 2, entitled Title VI under the new law. According to the reauthorized Chapter 2, block grants can be allocated to LEAs for use in local innovative education programs. These innovative assistance programs can include programs for school improvement, a state support system, and other accountability programs discussed in chapter 4. These provisions are found in §6301(b)(8) of the IASA.

2) *Funds for Administrative Purposes*
In addition to a portion of funds used for basic grants, migratory education, and neglected/delinquent youth, state administrative funds may be used to meet a state's responsibilities for establishing a statewide school support system. In general, the amount of administrative funds available would be the greater of 1) one percent of the funds received by a state under Title I basic grants, migratory education, and neglected/delinquent youth, or 2) $400,000. In the case of Guam, American Samoa, the Virgin Islands, the Northern Marianas, and Palau, that amount is reduced to the greater of 1) one percent of Title I funds received, or 2) $50,000.

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APPENDIX A:

Improving America's Schools Act

Public Law 103-382
103d Congress

An Act

Oct. 20, 1994
[H.R. 6]

To extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Improving America's Schools Act of 1994. Intergovernmental relations. 20 USC 6301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving America's Schools Act of 1994".

SEC. 2. ORGANIZATION OF THE ACT.

This Act is organized into the following titles:

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

TITLE III—AMENDMENTS TO OTHER ACTS

TITLE IV—NATIONAL EDUCATION STATISTICS

TITLE V—MISCELLANEOUS

SEC. 3. EFFECTIVE DATES; TRANSITION.

(a) EFFECTIVE DATES.—

20 USC 6301 note.

(1) TITLE I.—

(A) Title I and the amendment made by title I of this Act shall take effect July 1, 1995, except that those provisions of title I that apply to programs under title VIII (Impact Aid) of the Elementary and Secondary Education Act of 1965, as amended by this Act, and to programs under such Act that are conducted on a competitive basis, shall be effective with respect to appropriations for use under such programs for fiscal year 1995 and for subsequent fiscal years.

(B) Title VIII of the Elementary and Secondary Education Act of 1965, as amended by title I of this Act, shall take effect on the date of the enactment of this Act.

20 USC 1221 note.

(2) TITLE II.—Title II of this Act and the amendments made by title II of this Act shall take effect on the date of enactment of this Act, except that section 236 (equity for students, teachers, and other program beneficiaries) of such title shall be effective—

(A) July 1, 1995 for noncompetitive programs in which funds are allocated on the basis of a formula; and

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(B) for programs that are conducted on a competitive basis, with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.

(3) TITLE III.—(A) Parts A and B of title III of this Act and the amendments made by such parts shall take effect on July 1, 1995. 20 USC 1411 note.

(B) Part C of title III of this Act and the amendments made by such part shall take effect on October 1, 1994. 20 USC 236 note.

(b) TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under the Elementary and Secondary Education Act of 1965, as such Act was in effect on the day preceding the date of enactment of this Act, may use funds available to such recipient under such predecessor authority to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs authorized by this Act. 20 USC 6301 note.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 101. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended to read as follows:

"SECTION 1. TABLE OF CONTENTS. 20 USC 6301 note.

"This Act may be cited as the 'Elementary and Secondary Education Act of 1965'.

"TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

"SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE. 20 USC 6301.

"(a) STATEMENT OF POLICY.—

"(1) IN GENERAL.—The Congress declares it to be the policy of the United States that a high-quality education for all individuals and a fair and equal opportunity to obtain that education are a societal good, are a moral imperative, and improve the life of every individual, because the quality of our individual lives ultimately depends on the quality of the lives of others.

"(2) ADDITIONAL POLICY.—The Congress further declares it to be the policy of the United States to expand the program authorized by this title over the fiscal years 1996 through 1999 by increasing funding for this title by at least $750,000,000 over baseline each fiscal year and thereby increasing the percentage of eligible children served in each fiscal year with the intent of serving all eligible children by fiscal year 2004.

"(b) RECOGNITION OF NEED.—The Congress recognizes that—

"(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizable gap remains, and many segments of our society lack the opportunity to become well educated;

"(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families and achieving the National Education Goals will not be possible without substantial improvement in such schools;

"(3) educational needs are particularly great for low-achieving children in our Nation's highest-poverty schools, children with limited English proficiency, children of migrant workers, children with disabilities, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services;

"(4) while title I and other programs funded under this Act contribute to narrowing the achievement gap between children in high-poverty and low-poverty schools, such programs need to become even more effective in improving schools in order to enable all children to achieve high standards; and

"(5) in order for all students to master challenging standards in core academic subjects as described in the third National Education Goal described in section 102(3) of the Goals 2000: Educate America Act, students and schools will need to maximize the time spent on teaching and learning the core academic subjects.

"(c) WHAT HAS BEEN LEARNED SINCE 1988.—To enable schools to provide all children a high-quality education, this title builds upon the following learned information:

"(1) All children can master challenging content and complex problem-solving skills. Research clearly shows that children, including low-achieving children, can succeed when expectations are high and all children are given the opportunity to learn challenging material.

"(2) Conditions outside the classroom such as hunger, unsafe living conditions, homelessness, unemployment, violence, inadequate health care, child abuse, and drug and alcohol abuse can adversely affect children's academic achievement and must be addressed through the coordination of services, such as health and social services, in order for the Nation to meet the National Education Goals.

"(3) Use of low-level tests that are not aligned with schools' curricula fails to provide adequate information about what children know and can do and encourages curricula and instruction that focus on the low-level skills measured by such tests.

"(4) Resources are more effective when resources are used to ensure that children have full access to effective high-quality regular school programs and receive supplemental help through extended-time activities.

"(5) Intensive and sustained professional development for teachers and other school staff, focused on teaching and learning and on helping children attain high standards, is too often not provided.

"(6) Insufficient attention and resources are directed toward the effective use of technology in schools and the role technology can play in professional development and improved teaching and learning.

"(7) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.

"(8) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and authority to design and implement effective strategies for bringing their children to high levels of performance.

"(9) Opportunities for students to achieve high standards can be enhanced through a variety of approaches such as public school choice and public charter schools.

"(10) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty schools, thereby necessitating coordination of services to better meet children's needs.

"(11) Resources provided under this title can be better targeted on the highest-poverty local educational agencies and schools that have children most in need.

"(12) Equitable and sufficient resources, particularly as such resources relate to the quality of the teaching force, have an integral relationship to high student achievement.

"(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the challenging State content standards and to meet the challenging State performance standards developed for all children. This purpose shall be accomplished by—

"(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;

"(2) providing children an enriched and accelerated educational program, including, when appropriate, the use of the arts, through schoolwide programs or through additional services that increase the amount and quality of instructional time so that children served under this title receive at least the classroom instruction that other children receive;

"(3) promoting schoolwide reform and ensuring access of children (from the earliest grades) to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

"(4) significantly upgrading the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;

"(5) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with health and social service programs funded from other sources;

"(6) affording parents meaningful opportunities to participate in the education of their children at home and at school;

"(7) distributing resources, in amounts sufficient to make a difference, to areas and schools where needs are greatest;

"(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children served under this title are achieving challenging State student performance standards expected of all children; and

"(9) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance.

20 USC 6302.

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, other than section 1120(e), there are authorized to be appropriated $7,400,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(b) EVEN START.—For the purpose of carrying out part B, there are authorized to be appropriated $118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated $310,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(d) PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT.—For the purpose of carrying out part D, there are authorized to be appropriated $40,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $41,434,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(f) ADDITIONAL ASSISTANCE FOR SCHOOL IMPROVEMENT.—For the purpose of providing additional needed assistance to carry out sections 1116 and 1117, there are authorized to be appropriated such sums as may be necessary for fiscal year 1996 and each of the three succeeding fiscal years.

"(g) FEDERAL ACTIVITIES.—

"(1) SECTION 1501.—For the purpose of carrying out section 1501, there are authorized to be appropriated $9,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) SECTIONS 1502 AND 1503.—For the purpose of carrying out sections 1502 and 1503, there are authorized to be appropriated $50,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

20 USC 6303.

"SEC. 1003. RESERVATION AND ALLOCATION FOR SCHOOL IMPROVEMENT.

"(a) PAYMENT FOR SCHOOL IMPROVEMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (3), each State may reserve for the proper and efficient performance of its duties under subsections (c)(5) and (d) of section 1116, and section 1117, one-half of 1 percent of the funds allocated to the State under subsections (a), (c), and (d), of section 1002 for fiscal year 1995 and each succeeding fiscal year.

"(2) MINIMUM.—The total amount that may be reserved by each State, other than the outlying areas, under this subsection for any fiscal year, when added to amounts appropriated for such fiscal year under section 1002(f) that are allocated to the State under subsection (b), if any, may not be less than $200,000. The total amount that may be reserved by each outlying area under this subsection for any fiscal year, when added to amounts appropriated for such fiscal year under section 1002(f) that are allocated under subsection (b) to the outlying area, if any, may not be less than $25,000.

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"(3) SPECIAL RULE.—If the amount reserved under paragraph (1) when added to the amount made available under section 1002(f) for a State is less than $200,000 for any fiscal year, then such State may reserve such additional funds under subsections (a), (c), and (d) of section 1002 as are necessary to make $200,000 available to such State.

"(b) ADDITIONAL STATE ALLOCATIONS FOR SCHOOL IMPROVEMENT.—From the amount appropriated under section 1002(f) for any fiscal year, each State shall be eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the State under this part (other than section 1120(e)) bears to the total amount allocated to all States under this part (other than section 1120(e)).

"PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

"Subpart 1—Basic Program Requirements

"SEC. 1111. STATE PLANS. 20 USC 6311.

"(a) PLANS REQUIRED.—

"(1) IN GENERAL.—Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, pupil services personnel, administrators, other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, consistent with section 14306. Grants.

"(2) CONSOLIDATION PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidation plan under section 14302.

"(b) STANDARDS AND ASSESSMENTS.—

"(1) CHALLENGING STANDARDS.—(A) Each State plan shall demonstrate that the State has developed or adopted challenging content standards and challenging student performance standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.

"(B) If a State has State content standards or State student performance standards developed under title III of the Goals 2000: Educate America Act and an aligned set of assessments for all students developed under such title, or, if not developed under such title, adopted under another process, the State shall use such standards and assessments, modified, if necessary, to conform with the requirements of subparagraphs (A) and (D) of this paragraph, and paragraphs (2) and (3).

"(C) If a State has not adopted State content standards and State student performance standards for all students, the State plan shall include a strategy and schedule for developing State content standards and State student performance standards for elementary and secondary school children served under this part in subjects as determined by the State, but including at least mathematics and reading or language arts by the end of the one-year period described in paragraph (6), which

standards shall include the same knowledge, skills, and levels of performance expected of all children.

"(D) Standards under this paragraph shall include—

"(i) challenging content standards in academic subjects that—

"(I) specify what children are expected to know and be able to do;

"(II) contain coherent and rigorous content; and

"(III) encourage the teaching of advanced skills;

"(ii) challenging student performance standards that—

"(I) are aligned with the State's content standards;

"(II) describe two levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards; and

"(III) describe a third level of performance, partially proficient, to provide complete information about the progress of the lower performing children toward achieving to the proficient and advanced levels of performance.

"(E) For the subjects in which students will be served under this part, but for which a State is not required by subparagraphs (A), (B), and (C) to develop, and has not otherwise developed such standards, the State plan shall describe a strategy for ensuring that such students are taught the same knowledge and skills and held to the same expectations as are all children.

"(2) YEARLY PROGRESS.—

"(A) Each State plan shall demonstrate, based on assessments described under paragraph (3), what constitutes adequate yearly progress of—

"(i) any school served under this part toward enabling children to meet the State's student performance standards; and

"(ii) any local educational agency that received funds under this part toward enabling children in schools receiving assistance under this part to meet the State's student performance standards.

"(B) Adequate yearly progress shall be defined in a manner—

"(i) that is consistent with guidelines established by the Secretary that result in continuous and substantial yearly improvement of each local educational agency and school sufficient to achieve the goal of all children served under this part meeting the State's proficient and advanced levels of performance, particularly economically disadvantaged and limited English proficient children; and

"(ii) that links progress primarily to performance on the assessments carried out under this section while permitting progress to be established in part through the use of other measures.

"(3) ASSESSMENTS.—Each State plan shall demonstrate that the State has developed or adopted a set of high-quality, yearly student assessments, including assessments in at least mathematics and reading or language arts, that will be used as the primary means of determining the yearly performance of

each local educational agency and school served under this part in enabling all children served under this part to meet the State's student performance standards. Such assessments shall—

"(A) be the same assessments used to measure the performance of all children, if the State measures the performance of all children;

"(B) be aligned with the State's challenging content and student performance standards and provide coherent information about student attainment of such standards;

"(C) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments;

"(D) measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards and be administered at some time during—

"(i) grades 3 through 5;

"(ii) grades 6 through 9; and

"(iii) grades 10 through 12;

"(E) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding;

"(F) provide for—

"(i) the participation in such assessments of all students;

"(ii) the reasonable adaptations and accommodations for students with diverse learning needs, necessary to measure the achievement of such students relative to State content standards; and

"(iii) the inclusion of limited English proficient students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do, to determine such students' mastery of skills in subjects other than English;

"(G) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year, however the performance of students who have attended more than one school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;

"(H) provide individual student interpretive and descriptive reports, which shall include scores, or other information on the attainment of student performance standards; and

"(I) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

"(4) SPECIAL RULE.—Assessment measures that do not meet the requirements of paragraph (3)(C) may be included as one

of the multiple measures, if a State includes in the State plan information regarding the State's efforts to validate such measures.

"(5) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages through the Office of Bilingual Education and Minority Languages Affairs.

"(6) STANDARD AND ASSESSMENT DEVELOPMENT.—(A) A State that does not have challenging State content standards and challenging State student performance standards, in at least mathematics and reading or language arts, shall develop such standards within one year of receiving funds under this part after the first fiscal year for which such State receives such funds after the date of enactment of the Improving America's Schools Act of 1994.

"(B) A State that does not have assessments that meet the requirements of paragraph (3) in at least mathematics and reading or language arts shall develop and test such assessments within four years (one year of which shall be used for field testing such assessment), of receiving funds under this part after the first fiscal year for which such State receives such funds after the date of enactment of the Improving America's Schools Act of 1994 and shall develop benchmarks of progress toward the development of such assessments that meet the requirements of paragraph (3), including periodic updates.

"(C) The Secretary may extend for one additional year the time for testing new assessments under subparagraph (B) upon the request of the State and the submission of a strategy to correct problems identified in the field testing of such new assessments.

"(D) If, after the one-year period described in subparagraph (A), a State does not have challenging State content and challenging student performance standards in at least mathematics and reading or language arts, a State shall adopt a set of standards in these subjects such as the standards and assessments contained in other State plans the Secretary has approved.

"(E) If, after the four-year period described in subparagraph (B), a State does not have assessments, in at least mathematics and reading or language arts, that meet the requirement of paragraph (3), and is denied an extension under subparagraph (C), a State shall adopt an assessment that meets the requirement of paragraph (3) such as one contained in other State plans the Secretary has approved.

"(7) TRANSITIONAL ASSESSMENTS.—(A) If a State does not have assessments that meet the requirements of paragraph (3) and proposes to develop such assessments under paragraph (6)(B), the State may propose to use a transitional set of yearly

statewide assessments that will assess the performance of complex skills and challenging subject matter.

"(B) For any year in which a State uses transitional assessments, the State shall devise a procedure for identifying local educational agencies under paragraphs (3) and (7) of section 1116(d), and schools under paragraphs (1) and (7) of section 1116(c), that rely on accurate information about the academic progress of each such local educational agency and school.

"(8) REQUIREMENT.—Each State plan shall describe—

"(A) how the State educational agency will help each local educational agency and school affected by the State plan develop the capacity to comply with each of the requirements of sections 1112(c)(1)(D), 1114(b), and 1115(c) that is applicable to such agency or school; and

"(B) such other factors the State deems appropriate (which may include opportunity-to-learn standards or strategies developed under the Goals 2000: Educate America Act) to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards adopted by the State.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

"(1)(A) the State educational agency will implement a system of school support teams under section 1117(c), including provision of necessary professional development for those teams;

"(B) the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part, including technical assistance in providing professional development under section 1119 and technical assistance under section 1117; and

"(C)(i) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

"(ii) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies;

"(2) the State educational agency will notify local educational agencies and the public of the standards and assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency's responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;

"(3) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

"(4) the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

"(5) the Committee of Practitioners established under section 1603(b) will be substantially involved in the development

of the plan and will continue to be involved in monitoring the plan's implementation by the State; and

"(6) the State will coordinate activities funded under this part with school-to-work, vocational education, cooperative education and mentoring programs, and apprenticeship programs involving business, labor, and industry, as appropriate.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—The Secretary shall—

"(A) establish a peer review process to assist in the review and recommendations for revision of State plans;

"(B) appoint individuals to the peer review process who are representative of State educational agencies, local educational agencies, teachers, and parents;

"(C) following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (a), (b), and (c);

"(D) if the Secretary determines that the State plan does not meet the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

"(E) not decline to approve a State's plan before—

"(i) offering the State an opportunity to revise its plan;

"(ii) providing technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c); and

"(iii) providing a hearing; and

"(F) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's content standards or to use specific assessment instruments or items.

"(2) WITHHOLDING.—The Secretary may withhold funds for State administration and activities under section 1117 until the Secretary determines that the State plan meets the requirements of this section.

"(e) DURATION OF THE PLAN.—

"(1) IN GENERAL.—Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(2) ADDITIONAL INFORMATION.—If the State makes significant changes in its plan, such as the adoption of new State content standards and State student performance standards, new assessments, or a new definition of adequate progress, the State shall submit such information to the Secretary.

"(f) LIMITATION ON CONDITIONS.—Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or student performance standards and assessments, opportunity-to-learn standards or strategies, curriculum, or program of instruction, as a condition of eligibility to receive funds under this part.

"(g) PROHIBITION.—Nothing in this Act shall be construed to require any State educational agency, local educational agency, or school, to implement opportunity-to-learn standards or strategies developed by such State under the Goals 2000: Educate America Act.

"(h) SPECIAL RULE.—If the aggregate State expenditure by a State educational agency for the operation of elementary and secondary education programs in the State is less than such agency's aggregate Federal expenditure for the State operation of all Federal elementary and secondary education programs, then the State plan shall include assurances and specific provisions that such State will provide State expenditures for the operation of elementary and secondary education programs equal to or exceeding the level of Federal expenditures for such operation by October 1, 1998.

"SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

"(a) PLANS REQUIRED.—

"(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, as specified in section 14306.

"(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 14304.

"(b) PLAN PROVISIONS.—Each local educational agency plan shall include—

"(1) a description of additional high-quality student assessments, if any, other than the assessments described in the State plan under section 1111, that the local educational agency and schools served under this part will use to—

"(A) determine the success of children served under this part in meeting the State's student performance standards and provide information to teachers, parents, and students on the progress being made toward meeting the State student performance standards described in section 1111(b)(1)(D)(ii);

"(B) assist in diagnosis, teaching, and learning in the classroom in ways that best enable children served under this part to meet State standards and do well in the local curriculum; and

"(C) determine what revisions are needed to projects under this part so that such children will meet the State's student performance standards;

"(2) at the local educational agency's discretion, a description of any other indicators that will be used in addition to the assessments described in paragraph (1) for the uses described in such paragraph;

"(3) a description of the strategy the local educational agency will use to provide professional development for teachers, and, where appropriate, pupil services personnel, administrators, parents and other staff, including local educational agency level staff in accordance with section 1119;

"(4) a description of how the local educational agency will coordinate and integrate services provided under this part with

other educational services at the local educational agency or individual school level, such as—

"(A) Even Start, Head Start, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs, vocational education programs, and school-to-work transition programs; and

"(B) services for children with limited English proficiency or with disabilities, migratory children served under part C or who were formerly eligible for services under part C in the two-year period preceding the date of the enactment of the Improving America's School Act of 1994, neglected or delinquent youth and youth at risk of dropping out served under part D, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

"(5) a description of the poverty criteria that will be used to select school attendance areas under section 1113;

"(6) a description of how teachers, in consultation with parents, administrators, and pupil services personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this part;

"(7) a general description of the nature of the programs to be conducted by such agency's schools under sections 1114 and 1115 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, for neglected and delinquent children in community day school programs, and for eligible homeless children;

"(8) a description of how the local educational agency will ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

"(9) where appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, agencies operating Even Start programs, or another comparable public early childhood development program.

"(c) ASSURANCES.—

"(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(A) inform eligible schools and parents of schoolwide project authority;

"(B) provide technical assistance and support to schoolwide programs;

"(C) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting

the State content standards and State student performance standards;

"(D) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(4);

"(E) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families, including health and social services;

"(F) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

"(G) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part; and

"(H) beginning in fiscal year 1997 and in the case that a local educational agency chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994.

"(2) SPECIAL RULE.—In carrying out subparagraph (H) of paragraph (1) the Secretary—

"(A) in fiscal year 1995, shall consult with the Secretary of Health and Human Services on the implementation of such subparagraph and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and

"(B) in fiscal year 1996, shall disseminate to local educational agencies the Head Start Performance Standards revised pursuant to section 641A(a) of the Head Start Act, and such agencies effected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.

"(3) INAPPLICABILITY.—The provisions of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs which are expanded through the use of funds under this part.

"(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall—

"(1) be developed in consultation with teachers, including vocational teachers, and pupil services personnel, where appropriate, and parents of children in schools served under this part; and

"(2)(A) remain in effect for the duration of the local educational agency's participation under this part; and

"(B) periodically be reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

"(e) STATE APPROVAL.—

"(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency, except that a local educational agency shall have not more than one year after the date of enactment of the Improving America's Schools Act of 1994 to have such plan provisionally approved by the State educational agency and not more than two years after the date of enactment of such Act to have such plan finally approved by the State educational agency.

"(2) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan will enable schools served under this part to substantially help all children served under this part meet the standards expected of all children described in section 1111(b)(1).

"(3) REVIEW.—The State educational agency shall review the local educational agency's plan to determine if such agency's professional development activities are in accordance with section 1119.

"(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of schools, teachers, and the local educational agency in making decisions regarding activities under sections 1114 and 1115.

20 USC 6313.

"SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

"(a) DETERMINATION.—

"(1) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

"(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—For the purposes of this part—

"(A) the term 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

"(B) the term 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the local educational agency as a whole.

"(3) RANKING ORDER.—If funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

"(A) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

"(B) serve such eligible school attendance areas in rank order.

"(4) REMAINING FUNDS.—If funds remain after serving all eligible school attendance areas under paragraph (3), a local educational agency shall—

"(A) annually rank such agency's remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

"(B) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

"(5) MEASURES.—The local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the National School Lunch Act, the number of children in families receiving assistance under the Aid to Families with Dependent Children program, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

"(A) to identify eligible school attendance areas;

"(B) to determine the ranking of each area; and

"(C) to determine allocations under subsection (c).

"(6) EXCEPTION.—This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

"(7) WAIVER FOR DESEGREGATION PLANS.—The Secretary may approve a local educational agency's written request for a waiver of the requirements of subsections (a) and (c), and permit such agency to treat as eligible, and serve, any school that children attend with a State-ordered or a court-ordered school desegregation plan or a plan that continues to be implemented in accordance with a State-ordered or court-ordered desegregation plan, if (A) the number of economically disadvantaged children enrolled in the school is at least 25 percent of the school's total enrollment; and (B) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

"(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—

"(1) IN GENERAL.—Notwithstanding subsection (a)(2), a local educational agency may—

"(A) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

"(B) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency; and

"(C) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

"(i) the school meets the comparability requirements of section 1120A(c);

"(ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

"(iii) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

"(2) SPECIAL RULE.—Notwithstanding paragraph (1)(C), the number of children attending private elementary and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under paragraph (1).

"(c) ALLOCATIONS.—

"(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (a) or (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

"(2) SPECIAL RULE.—(A) Except as provided in subparagraph (B), the per pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 125 percent of the per pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.

"(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(3) RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

"(A) where appropriate, eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters;

"(B) children in local institutions for neglected or delinquent children; and

"(C) where appropriate, neglected and delinquent children in community day school programs.

20 USC 6314.

"SEC. 1114. SCHOOLWIDE PROGRAMS.

"(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

"(1) IN GENERAL.—A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, in order to upgrade the entire educational program in a school described in subparagraph (A) or (B) if, for the initial year of the schoolwide program, the school meets either of the following criteria:

"(A) For the school year 1995–1996—

"(i) the school serves an eligible school attendance area in which not less than 60 percent of the children are from low-income families; or

"(ii) not less than 60 percent of the children enrolled in the school are from such families.

"(B) For the school year 1996–1997 and subsequent years—

"(i) the school serves an eligible school attendance area in which not less than 50 percent of the children are from low-income families; or

"(ii) not less than 50 percent of the children enrolled in the school are from such families.

"(2) STATE ASSURANCES.—(A) A local educational agency may start new schoolwide programs under this section only after the State educational agency provides written information to each local educational agency in the State that demonstrates that such State agency has established the statewide system of support and improvement required by subsections (c)(1) and (e) of section 1117.

"(B) A school that desires to initiate a schoolwide program under this section prior to the establishment of the statewide system of support and improvement required in subsections (c)(1) and (e) of section 1117 shall demonstrate to the local educational agency that such school has received high quality technical assistance and support from other providers of assistance such as comprehensive technical assistance centers, regional laboratories, institutions of higher education, educational service agencies, or other local consortia.

"(3) IDENTIFICATION.—(A) No school participating in a schoolwide program shall be required to identify particular children under this part as eligible to participate in a schoolwide program or to provide supplemental services to such children.

"(B) A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

"(4) SPECIAL RULE.—(A) Except as provided in subsection (b), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act), to support schoolwide programs, if the intent and purposes of such other programs are met.

"(B) A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, gender equity, student and parental participation and involvement, services to private school children, maintenance of effort, comparability of services, uses of Federal funds to supplement, not supplant non-Federal

funds, or the distribution of funds to State or local educational agencies that apply to the receipt of funds from such programs.

"(5) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the activities described in subsection (b)(1)(D) in accordance with section 1119 for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.

"(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

"(1) IN GENERAL.—A schoolwide program shall include the following components:

"(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State content standards and the State student performance standards described in section 1111(b)(1).

"(B) Schoolwide reform strategies that—

"(i) provide opportunities for all children to meet the State's proficient and advanced levels of student performance described in section 1111(b)(1)(D);

"(ii) are based on effective means of improving the achievement of children;

"(iii) use effective instructional strategies, which may include the integration of vocational and academic learning (including applied learning and team teaching strategies), that—

"(I) increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and

"(II) include strategies for meeting the educational needs of historically underserved populations, including girls and women;

"(iv)(I) address the needs of all children in the school, but particularly the needs of children who are members of the target population of any program that is included in the schoolwide program, which may include—

"(aa) counseling, pupil services, and mentoring services;

"(bb) college and career awareness and preparation, such as college and career guidance, comprehensive career development, occupational information, enhancement of employability skills and occupational skills, personal finance education, job placement services, and innovative teaching methods which may include applied learning and team teaching strategies;

"(cc) services to prepare students for the transition from school to work, including the formation of partnerships between elementary, middle, and secondary schools and local businesses, and the integration of school-based and work-based learning; and

"(dd) incorporation of gender-equitable methods and practices; and

"(II) address how the school will determine if such needs have been met; and

"(vii) are consistent with, and are designed to implement, the State and local improvement plans, if any, approved under title III of the Goals 2000: Educate America Act.

"(C) Instruction by highly qualified professional staff.

"(D) In accordance with section 1119 and subsection (a)(5), professional development for teachers and aides, and, where appropriate, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards.

"(E) Strategies to increase parental involvement, such as family literary services.

"(F) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs.

"(G) Measures to include teachers in the decisions regarding the use of assessments described in section 1112(b)(1) in order to provide information on, and to improve, the performance of individual students and the overall instructional program.

"(H) Activities to ensure that students who experience difficulty mastering any of the standards required by section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance, which shall include—

"(i) measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance;

"(ii) to the extent the school determines feasible using funds under this part, periodic training for teachers in how to identify such difficulties and to provide assistance to individual students; and

"(iii) for any student who has not met such standards, teacher-parent conferences, at which time the teacher and parents shall discuss—

"(I) what the school will do to help the student meet such standards;

"(II) what the parents can do to help the student improve the student's performance; and

"(III) additional assistance which may be available to the student at the school or elsewhere in the community.

"(2) PLAN.—(A) Any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence before the date of enactment of the Improving America's Schools Act of 1994), in consultation with the local educational agency and its school support team or other technical assistance provider under subsections (c)(1) and (e) of section 1117, a comprehensive plan for reforming the total instructional program in the school that—

"(i) incorporates the components described in paragraph (1);

"(ii) describes how the school will use resources under this part and from other sources to implement those components;

"(iii) includes a list of State and local educational agency programs and other Federal programs under subsection (a)(4) that will be included in the schoolwide program;

"(iv) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of a child who participates in the assessment required by section 1111(b)(3);

"(v) provides for the collection of data on the achievement and assessment results of students disaggregated by gender, major ethnic or racial groups, limited English proficiency status, migrant students, and by children with disabilities as compared to other students, and by economically disadvantaged students as compared to students who are not economically disadvantaged;

"(vi) seeks to produce statistically sound results for each category for which assessment results are disaggregated through the use of oversampling or other means; and

"(vii) provides for the public reporting of disaggregated data only when such reporting is statistically sound.

"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria in paragraphs (1) and (3) of section 1111(b) shall be based on an analysis of available data on the achievement of students in the school and effective instructional and school improvement practices.

"(C) The comprehensive plan shall be—

"(i) developed during a one-year period, unless—

"(I) the local educational agency, after considering the recommendation of the technical assistance providers under subsections (c) and (e) of section 1117, determines that less time is needed to develop and implement the schoolwide program; or

"(II) the school is operating a schoolwide program on the day preceding the date of enactment of the Improving America's Schools Act of 1994, in which case such school may continue to operate such program, but shall develop a new plan during the first year of assistance under such Act to reflect the provisions of this section;

"(ii) developed with the involvement of the community to be served and individuals who will carry out such plan, including teachers, principals, other staff, and, where appropriate, pupil services personnel, and parents, and, if the plan relates to a secondary school, students from such school;

"(iii) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school;

"(iv) available to the local educational agency, parents, and the public, and the information contained in such plan shall be translated, to the extent feasible, into any language that a significant percentage of the parents of

participating children in the school speak as their primary language; and

"(v) where appropriate, developed in coordination with programs under the School-to-Work Opportunities Act of 1994, the Carl D. Perkins Vocational and Applied Technology Education Act, and the National and Community Service Act of 1990.

"(c) ACCOUNTABILITY.—A schoolwide program under this section shall be subject to the school improvement provisions of section 1116.

"SEC. 1115. TARGETED ASSISTANCE SCHOOLS. 20 USC 6315.

"(a) IN GENERAL.—In all schools selected to receive funds under section 1113(c) that are ineligible for a schoolwide program under section 1114, or that choose not to operate such a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to eligible children under subsection (b) identified as having the greatest need for special assistance.

"(b) ELIGIBLE CHILDREN.—

"(1) ELIGIBLE POPULATION.—(A) The eligible population for services under this part is—

"(i) children not older than age 21 who are entitled to a free public education through grade 12; and

"(ii) children who are not yet at a grade level where the local educational agency provides a free public education, yet are of an age at which such children can benefit from an organized instructional program provided in a school or other educational setting.

"(B) From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's challenging student performance standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade two shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

"(2) CHILDREN INCLUDED.—(A)(i) Children who are economically disadvantaged, children with disabilities, migrant children or limited English proficient children, are eligible for services under this part on the same basis as other children selected to receive services under this part.

"(ii) Funds received under this part may not be used to provide services that are otherwise required by law to be made available to such children but may be used to coordinate or supplement such services.

"(B) A child who, at any time in the two years preceding the year for which the determination is made, participated in a Head Start or Even Start program, is eligible for services under this part.

"(C)(i) A child who, at any time in the two years preceding the year for which the determination is made, received services under the program for youth who are neglected, delinquent, or at risk of dropping out under part D (or its predecessor authority) may be eligible for services under this part.

"(ii) A child in a local institution for neglected or delinquent children or attending a community day program for such children may be eligible for services under this part.

"(D) A child who is homeless and attending any school in the local educational agency may be eligible for services under this part.

"(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—

"(1) IN GENERAL.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the State's student performance standards in subjects as determined by the State, each targeted assistance program under this section shall—

"(A) use such program's resources under this part to help participating children meet such State student performance standards expected for all children;

"(B) be based on effective means for improving achievement of children;

"(C) ensure that planning for students served under this part is incorporated into existing school planning;

"(D) use effective instructional strategies that—

"(i) give primary consideration to providing extended learning time such as an extended school year, before- and after-school, and summer, programs and opportunities;

"(ii) help provide an accelerated, high-quality curriculum, including applied learning; and

"(iii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part;

"(E) coordinate with and support the regular education program, which may include—

"(i) counseling, mentoring, and other pupil services;

"(ii) college and career awareness and preparation, such as college and career guidance, comprehensive career development, occupational information, enhancement of employability skills and occupational skills, personal finance education, job placement services, and innovative teaching methods which may include applied learning and team teaching strategies;

"(iii) services to prepare students for the transition from school to work, including the formation of partnerships between elementary, middle, and secondary schools and local businesses, and the integration of school-based and work-based learning; and

"(iv) services to assist preschool children in the transition from early childhood programs to elementary school programs;

"(F) provide instruction by highly qualified staff;

"(G) in accordance with subsection (e)(3) and section 1119, provide opportunities for professional development with resources provided under this part, and from other sources to the extent feasible, for administrators and for teachers and other school staff who work with participating

children in programs under this section or in the regular education program; and

"(H) provide strategies to increase parental involvement, such as family literary services.

"(2) REQUIREMENTS.—Each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State's proficient and advanced levels of performance by—

"(A) the coordination of resources provided under this part with other resources to enable the children served to meet the State content standards and State student performance standards; and

"(B) reviewing, on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance to enable such children to meet the State's challenging student performance standards, such as an extended school year, before- and after-school, and summer, programs and opportunities, training for teachers regarding how to identify students that require additional assistance, and training for teachers regarding how to implement student performance standards in the classroom.

"(d) ASSIGNMENT OF PERSONNEL.—To promote the integration of staff supported with funds under this part and children served under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

"(1) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school;

"(2) participate in general professional development and school planning activities; and

"(3) collaboratively teach with regular classroom teachers, if such collaborative teaching directly benefits participating children.

"(e) SPECIAL RULES.—

"(1) SIMULTANEOUS SERVICE.—Nothing in this section shall be construed to prohibit a school from serving students served under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(2) COMPREHENSIVE SERVICES.—If health, nutrition, and other social services are not otherwise available to eligiole children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, and if funds are not reasonably available from other public or private sources to provide services under this part, then a portion of the funds provided under this part may be used as a last resort to provide such services, including—

"(A) the provision of basic medical equipment, such as eyeglasses and hearing aids;

"(B) compensation of a coordinator; and

"(C) professional development necessary to assist teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

"(3) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the professional development activities described in subparagraph (G) of subsection (c)(1) in accordance with section 1119, for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.

20 USC 6316.

"SEC. 1115A. SCHOOL CHOICE.

"(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with State, local, and private funds, to develop and implement choice programs, for children eligible for assistance under this part, which permit parents to select the public school that their children will attend.

"(b) CHOICE PLAN.—A local educational agency that chooses to implement a school choice plan shall first develop a comprehensive plan that includes assurances that—

"(1) all eligible students across grade levels will have equal access to the program;

"(2) the program does not include schools which follow a racially discriminatory policy;

"(3) describe how the school will use resources under this part and from other sources to implement the plan;

"(4) describe how the school will provide individual student assessment results, including an interpretation of such results, to the parents of a child who participates in the assessment required by section 1111(b)(3);

"(5) the plan will be developed with the involvement of the community to be served and individuals who will carry out the plan, including teachers, principals, and other staff, parents, and, if the plan relates to a secondary school, students from the school;

"(6) the plan will be made available to parents and the public;

"(7) the program will not include schools that do not receive funds under this part;

"(8) the program will not use funds under this part to pay for transportation costs;

"(9) both the sending and receiving schools agree to the student transfer; and

"(10) such local educational agency will comply with the other requirements of this part.

"SEC. 1116. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

"(a) LOCAL REVIEW.—Each local educational agency receiving funds under this part shall—

"(1) use the State assessments described in the State plan;

"(2) use any additional measures or indicators described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its stu-

dents to meet the State's student performance standards described in the State plan;

"(3) publicize and disseminate to teachers and other staff, parents, students, and the community, the results of the annual review under paragraph (2) of all schools served under this part in individual school performance profiles that include statistically sound disaggregated results as required by section 1111(b)(3)(I); and

"(4) provide the results of the local annual review to schools so that the schools can continually refine the program of instruction to help all children served under this part in those schools meet the State's student performance standards.

"(b) DESIGNATION OF DISTINGUISHED SCHOOLS.—Each State educational agency and local educational agency receiving funds under this part shall designate distinguished schools in accordance with section 1117.

"(c) SCHOOL IMPROVEMENT.—

"(1) IN GENERAL.—A local educational agency shall identify for school improvement any school served under this part that—

"(A) has been in program improvement under section 1020 of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), for at least two consecutive school years prior to such day;

"(B) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A)(i) for two consecutive school years, except that—

"(i) this subparagraph shall not apply to a school if almost every student in such school is meeting the State's advanced level of performance; or

"(ii) in the case of a targeted assistance school, such school may be reviewed on the progress of only those students that have been or are served under this part; or

"(C) has failed to meet the criteria established by the State through the State's transitional procedure under section 1111(b)(7)(B) for two consecutive years.

"(2) REQUIREMENT.—(A) Each school identified under paragraph (1) shall—

"(i) in consultation with parents, the local educational agency, and the school support team, develop or revise a school plan in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards, which may include reviewing the schools' plan in the context of the opportunity-to-learn standards or strategies developed by such State under the Goals 2000: Educate America Act; and

"(ii) submit the plan or revised plan to the local educational agency for approval.

"(B) Before identifying a school for school improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the school believes that such identification for school improvement is in error for statistical or other substantive

reasons, such school may provide evidence to the local educational agency to support such belief.

"(C) During the first year immediately following such identification, the school shall implement such school's plan or revised plan.

"(3) PROFESSIONAL DEVELOPMENT.—(A) Each school identified under paragraph (1) shall, as part of the school plan under paragraph (2), improve the skills of its staff by providing effective professional development activities. A school shall demonstrate such school's compliance with this paragraph by—

"(i) devoting to such activities, over two consecutive years, an amount equivalent to at least 10 percent of the funds received by the school under this part during one fiscal year; or

"(ii) otherwise demonstrating that such school is effectively carrying out professional development activities.

"(B) A school may use funds from any source to meet the requirements of this subsection.

"(C) Decisions about how to use the funds made available under this part which the school makes available for professional development shall be made by teachers, principals, and other school staff in that school.

"(4) TECHNICAL ASSISTANCE.—(A) For each school identified under paragraph (1), the local educational agency shall provide technical or other assistance as the school develops and implements such school's plan or revised plan, such as a joint plan between the local educational agency and school that addresses specific elements of student performance problems and that specifies school and local educational agency responsibilities under the plan, and waivers or modifications of requirements of local educational agency policy or regulation that impede the ability of the school to educate students.

"(B) Such technical assistance may be provided directly by the local educational agency, through mechanisms authorized under section 1117, or with the local educational agency's approval, by an institution of higher education, a private nonprofit organization, an educational service agency, a comprehensive regional assistance center under part A of title XIII, or other entities with experience in helping schools improve achievement.

"(5) CORRECTIVE ACTION.—(A) Except as provided in subparagraph (C), after providing technical assistance pursuant to paragraph (4) and taking other remediation measures, the local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.

"(B)(i) Corrective actions are those, consistent with State and local law, determined and made public and disseminated by the local educational agency, which may include—

"(I) withholding funds;

"(II) interagency collaborative agreements between the school and other public agencies to provide health, counseling, and other social services needed to remove barriers to learning;

"(III) revoking authority for a school to operate a schoolwide program;

"(IV) decreasing decisionmaking authority at the school level;

"(V) making alternative governance arrangements such as the creation of a public charter school;

"(VI) reconstituting the school staff;

"(VII) authorizing students to transfer, including transportation costs, to other public schools served by the local educational agency; and

"(VIII) implementing opportunity-to-learn standards or strategies developed by such State under the Goals 2000: Educate America Act.

"(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclause (I), (III), (IV), (VI), or (VII) of clause (i) until the State has developed assessments that meet the requirements of subparagraph (C) of section 1111(b)(3).

"(C) Prior to implementing any corrective action, the local educational agency may refrain from such corrective action for one additional year to the extent that the failure to make progress can be attributed to extenuating circumstances as determined by the local educational agency.

"(D) A school that is no longer operating its schoolwide program due to a corrective action may not resume operation of such a program until the local educational agency determines that the school has adequately reformed its schoolwide program plan to enable the school to make adequate progress toward meeting the State's challenging student performance standards.

"(6) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

"(A) make technical assistance under section 1117 available to the schools farthest from meeting the State's challenging student performance standards, if requested by the school or local educational agency; and

"(B) if such agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under paragraphs (4) and (5), take such corrective actions as the State educational agency deems appropriate and which are in compliance with State law.

"(7) SPECIAL RULE.—Schools that, for at least two of the three years following identification under paragraph (1), make adequate progress toward meeting the State's proficient and advanced levels of performance shall no longer need to be identified for school improvement.

"(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

"(1) IN GENERAL.—A State educational agency shall—

"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's student performance standards; and

"(B) publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review, including

statistically sound disaggregated results, as required by section 1111(b)(3)(I).

"(2) REWARDS.—In the case of a local educational agency that for three consecutive years has met or exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii), the State may make institutional and individual rewards of the kinds described for individual schools in paragraph (2) of section 1117(c).

"(3) IDENTIFICATION.—(A) A State educational agency shall identify for improvement any local educational agency that—

"(i) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) in schools served under this part toward meeting the State's student performance standards, except that schools served by the local educational agency that are operating targeted assistance programs may be reviewed on the basis of the progress of only those students served under this part; or

"(ii) has failed to meet the criteria established by the State through such State's transitional procedure under section 1111(b)(7)(B) for two consecutive years.

"(B) Before identifying a local educational agency for improvement under paragraph (1), the State educational agency shall provide the local educational agency with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the local educational agency believes that such identification for improvement is in error due to statistical or other substantive reasons, such local educational agency may provide evidence to the State educational agency to support such belief.

"(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—(A) Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its local educational agency plan under section 1112 in ways that have the greatest likelihood of improving the performance of schools served by the local educational agency under this part in meeting the State's student performance standards.

"(B) Such revision shall include determining why the local educational agency's plan failed to bring about increased achievement, and may include reviewing the local educational agency's plan in the context of the opportunity-to-learn standards or strategies developed by such State under the Goals 2000: Educate America Act.

"(5) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—(A) For each local educational agency identified under paragraph (3), the State educational agency shall—

"(i) provide technical or other assistance, if requested, as authorized under section 1117, to better enable the local educational agency to—

"(I) develop and implement the local educational agency's revised plan; and

"(II) work with schools needing improvement; and

"(ii) make available to the local educational agencies farthest from meeting the State's standards, if requested, assistance under section 1117.

"(B) Technical or other assistance may be provided by the State educational agency directly, or by an institution of

higher education, a private nonprofit organization, an educational service agency or other local consortium, a technical assistance center, or other entities with experience in assisting local educational agencies improve achievement, and may include—

"(i) interagency collaborative agreements between the local educational agency and other public agencies to provide health, pupil services, and other social services needed to remove barriers to learning; and

"(ii) waivers or modification of requirements of State law or regulation (in States in which such waivers are permitted) that impede the ability of a local educational agency to educate students.

"(6) CORRECTIVE ACTION.—(A) Except as provided in subparagraph (C), after providing technical assistance pursuant to paragraph (5) and taking other remediation measures, the State educational agency may take corrective action at any time against a local educational agency that has been identified under paragraph (3), but, during the fourth year following identification under paragraph (3), shall take such action against any local educational agency that still fails to make adequate progress.

"(B)(i) Corrective actions are those actions, consistent with State law, determined and made public and disseminated by the State educational agency, which may include—

"(I) the withholding of funds;

"(II) reconstitution of school district personnel;

"(III) removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for public governance and supervision of such schools;

"(IV) implementation of the opportunity-to-learn standards or strategies developed by such State under the Goals 2000: Educate America Act;

"(V) appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board;

"(VI) the abolition or restructuring of the local educational agency;

"(VII) the authorizing of students to transfer from a school operated by one local educational agency to a school operated by another local educational agency; and

"(VIII) a joint plan between the State and the local educational agency that addresses specific elements of student performance problems and that specifies State and local responsibilities under the plan.

"(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I), (II), and (III) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(C) of section 1111(b).

"(C) Prior to implementing any corrective action, the State educational agency shall provide due process and a hearing (if State law provides for such due process and a hearing) to any local educational agency identified under paragraph (3) and may refrain from such corrective action for one year

after the four-year period described in subparagraph (A) to the extent that the failure to make progress can be attributed to such extenuating circumstances as determined by the State educational agency.

"(7) SPECIAL RULE.—Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for local educational agency improvement.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

20 USC 6318.

"SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

"(a) SYSTEM FOR SUPPORT.—

"(1) STATE SUPPORT.—Each State educational agency shall establish a statewide system of intensive and sustained support and improvement for schools receiving funds under this part, including schoolwide programs and schools in need of program improvement, in order to increase the opportunity for all students in such schools to meet the State's content standards and student performance standards.

"(2) MEETING REQUIREMENTS.—Funds reserved under section 1003(a) or appropriated under section 1002(f) shall be used to meet the requirements of this section. In addition to such funds a State educational agency may use State administrative funds reserved under section 1603(c) to meet such requirements.

"(b) REGIONAL CENTERS.—Such a statewide system shall work with and receive support and assistance from the comprehensive regional technical assistance centers under part A of title XIII and the educational regional laboratories under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994.

"(c) PROVISIONS.—The system shall include at a minimum, the following:

"(1) SCHOOL SUPPORT TEAMS.—

"(A) Each State educational agency, in consultation with local educational agencies and schools, shall establish a system of school support teams to provide information and assistance to schoolwide programs and to assist such programs in providing an opportunity to all students to meet the State's student performance standards.

"(B) If funds are sufficient, school support teams shall provide information and assistance to—

"(i) schools—

"(I) in which the number of students in poverty is equal to or greater than 75 percent of the total number of students enrolled in such school; and

"(II) identified as in need of improvement under section 1116(c)(1); and

"(ii) other schools in need of improvement.

"(C) Each such team shall be composed of persons, including teachers, pupil services personnel, representatives of organizations knowledgeable about successful schoolwide projects or comprehensive school reform (especially distinguished educators described in paragraph (3)), and other persons who are knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for low-achieving students (including alternative and applied learning), such as representatives of institutions of higher education, regional educational laboratories or research centers, and outside consultant groups.

"(D) A school support team shall work cooperatively with each school and make recommendations as the school develops the school's schoolwide program plan or school improvement plan, review each plan, and make recommendations to the school and the local educational agency.

"(E) During the operation of the schoolwide program or during school improvement activities, a school support team shall—

"(i) periodically review the progress of the school in enabling children in the school to meet the State's student performance standards under this part;

"(ii) identify problems in the design and operation of the instructional program; and

"(iii) make recommendations for improvement to the school and the local educational agency.

"(2) DISTINGUISHED SCHOOLS.—

"(A) Each State shall designate as a distinguished school any school served under this part which, for three consecutive years, has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(i), and, any school in which—

"(i) virtually all students have met the State's advanced level of student performance; and

"(ii) equity in participation and achievement of students by sex has been achieved or significantly improved.

"(B) Schools designated under this paragraph may serve as models and provide support to other schools, especially schoolwide programs and schools in school improvement, to assist such schools in meeting the State's student performance standards.

"(C) States shall use funds reserved under section 1003(a) and funds made available under section 1002(f) to allow schools identified under this paragraph to carry out the activities described in subparagraph (B) and may use such funds to provide awards to such schools to further such school's education programs under this part, provide additional incentives for continued success, and reward individuals or groups in the school for exemplary performance.

"(D) A local educational agency may also recognize the success of a distinguished school by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level,

increased access to resources or supplemental services such as summer programs that may be used to sustain or increase success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.

"(3) DISTINGUISHED EDUCATORS.—

"(A) In order to provide assistance to schools and local educational agencies identified as needing improvement and schools participating in schoolwide programs, each State, in consultation with local educational agencies and using funds reserved under section 1003(a) and made available under section 1002(f), shall establish a corps of distinguished educators.

"(B) When possible, distinguished educators shall be chosen from schools served under this part that have been especially successful in enabling children to meet or make outstanding progress toward meeting the State's student performance standards, such as the schools described in paragraph (2).

"(C) Distinguished educators shall provide, as part of the statewide system, intensive and sustained assistance to the schools and local educational agencies farthest from meeting the State's student performance standards and to schoolwide programs as such programs develop and implement their plans, including participation in the support teams described in paragraph (1).

"(d) IMPLEMENTATION.—In order to implement this section funds reserved under section 1003(a) and funds made available under section 1002(f) may be used by a State for release time for teachers and administrators, travel, training, and other related costs.

"(e) ALTERNATIVES.—The State may devise additional approaches to providing the assistance described in paragraphs (1) and (3) of subsection (c), such as providing assistance through institutions of higher education and educational service agencies or other local consortia, and the State may seek approval from the Secretary to use funds reserved under section 1003 and funds made available under section 1002(f) for such approaches as part of the State plan.

20 USC 6319.

"SEC. 1118. PARENTAL INVOLVEMENT.

"(a) LOCAL EDUCATIONAL AGENCY POLICY.—

"(1) IN GENERAL.—A local educational agency may receive funds under this part only if such agency implements programs, activities, and procedures for the involvement of parents in programs assisted under this part consistent with the provisions of this section. Such activities shall be planned and implemented with meaningful consultation with parents of participating children.

"(2) WRITTEN POLICY.—Each local educational agency that receives funds under this part shall develop jointly with, agree upon with, and distribute to, parents of participating children a written parent involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the local educational agency will—

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"(A) involve parents in the joint development of the plan under section 1112, and the process of school review and improvement under section 1116;

"(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

"(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (e);

"(D) coordinate and integrate parental involvement strategies under this part with parental involvement strategies under other programs, such as Head Start, Even Start, the Parents as Teachers Program, the Home Instruction Program for Preschool Youngsters, and State-run preschool programs;

"(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy developed under this section—

"(i) to determine the effectiveness of the policy in increasing the participation of parents; and

"(ii) to identify barriers to greater participation by parents in activities authorized by this section, giving particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background; and

"(F) use the findings of the evaluations described in subparagraph (E) in designing strategies for school improvement and revising, if necessary, the parental involvement policies described in this subsection and subsection (b)(1).

"(3) RESERVATION.—(A) Each local educational agency shall reserve not less than 1 percent of such agency's allocation under this part to carry out this section, including family literacy and parenting skills, except that this paragraph shall not apply if 1 percent of such agency's allocation under this part (other than funds allocated under section 1002(e)) for the fiscal year for which the determination is made is $5,000 or less.

"(B) Parents of children receiving services under this part shall be involved in the decisions regarding how funds reserved under subparagraph (A) are allotted for parental involvement activities.

"(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—

"(1) IN GENERAL.—Each school served under this part shall jointly develop with, and distribute to, parents of participating children a written parental involvement policy, agreed upon by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Such policy shall be updated periodically to meet the changing needs of parents and the school.

"(2) SPECIAL RULE.—If the school has a parental involvement policy that applies to all parents, such school may amend that policy, if necessary, to meet the requirements of this subsection.

"(3) AMENDMENT.—If the local educational agency has a school district-level parental involvement policy that applies

to all parents, such agency may amend that policy, if necessary, to meet the requirements of this subsection.

"(4) PARENTAL COMMENTS.—If the plan under section 1112 is not satisfactory to the parents of participating children, the local educational agency shall submit any parent comments with such plan when such local educational agency submits the plan to the State.

"(c) POLICY INVOLVEMENT.—Each school served under this part shall—

"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;

"(2) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

"(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the school parental involvement policy and the joint development of the schoolwide program plan under section 1114(b), except that if a school has in place a process for involving parents in the joint planning and design of its programs, the school may use that process, if such process includes an adequate representation of parents of participating children;

"(4) provide parents of participating children—

"(A) timely information about programs under this part;

"(B) school performance profiles required under section 1116(a)(3) and their child's individual student assessment results, including an interpretation of such results, as required under section 1111(b)(3)(H);

"(C) a description and explanation of the curriculum in use at the school, the forms of assessment used to measure student progress, and the proficiency levels students are expected to meet;

"(D) opportunities for regular meetings to formulate suggestions, share experiences with other parents, and participate as appropriate in decisions relating to the education of their children if such parents so desire; and

"(E) timely responses to parents' suggestions under subparagraph (D); and

"(5) if the schoolwide program plan under section 1114(b)(2) is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the local educational agency.

"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement policy developed under subsection (b), each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

"(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State's student performance standards, and the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television watching; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and

"(2) address the importance of communication between teachers and parents on an ongoing basis through, at a minimum—

"(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;

"(B) frequent reports to parents on their children's progress; and

"(C) reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.

"(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency—

"(1) shall provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content standards and State student performance standards, the provisions of section 1111(b)(8), State and local assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the performance of their children as well as information on how parents can participate in decisions relating to the education of their children;

"(2) shall provide materials and training, such as—

"(A) coordinating necessary literacy training from other sources to help parents work with their children to improve their children's achievement; and

"(B) training to help parents to work with their children to improve their children's achievement;

"(3) shall educate teachers, pupil services personnel, principals and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school;

"(4) shall coordinate and integrate parent involvement programs and activities with Head Start, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool programs and other programs, to the extent feasible and appropriate;

"(5) shall develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for organizations and businesses to work with parents and schools, and encouraging the formation of partnerships between

elementary, middle, and secondary schools and local businesses that include a role for parents;

"(6) shall conduct other activities, as appropriate and feasible, such as parent resource centers and providing opportunities for parents to learn about child development and child rearing issues beginning at the birth of a child, that are designed to help parents become full partners in the education of their children;

"(7) shall ensure, to the extent possible, that information related to school and parent programs, meetings, and other activities is sent to the homes of participating children in the language used in such homes;

"(8) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training in improving instruction and services to the children of such parents;

"(9) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such activities;

"(10) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

"(11) may train and support parents to enhance the involvement of other parents;

"(12) may arrange meetings at a variety of times, such as in the mornings and evenings, in order to maximize the opportunities for parents to participate in school related activities;

"(13) may arrange for teachers or other educators, who work directly with participating children, to conduct in-home conferences with parents who are unable to attend such conferences at school;

"(14) may adopt and implement model approaches to improving parental involvement, such as Even Start; and

"(15) shall provide such other reasonable support for parental involvement activities under this section as parents may request.

"(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency or with disabilities, including providing information and school profiles in a language and form such parents understand.

"(g) PARENTAL INFORMATION AND RESOURCE CENTERS.—In States where parental information and resource centers have been established pursuant to section 401 of the Goals 2000: Educate America Act of 1994 (to provide training, information, and support to parents and individuals who work with parents), local educational agencies and schools receiving assistance under this part shall assist parents and parent organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of the services and programs provided by such centers, advising parents on how to use such centers, and helping parents to contact such centers.

"SEC. 1119. PROFESSIONAL DEVELOPMENT. 20 USC 6320.

"(a) PROGRAM REQUIREMENTS.—

"(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall provide high-quality professional development that will improve the teaching of the academic subjects, consistent with the State content standards, in order to enable all children to meet the State's student performance standards.

"(2) PROGRAM DESIGN.—Such professional development activities shall be designed by principals, teachers, and other school staff in schools receiving assistance under this part.

"(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—

"(1) REQUIRED ACTIVITIES.—Such professional development activities shall—

"(A) support instructional practices that are geared to challenging State content standards and create a school environment conducive to high achievement in the academic subjects;

"(B) support local educational agency plans under section 1112 and school plans under section 1114;

"(C) draw on resources available under this part, title III of the Goals 2000: Educate America Act, title II of this Act, and from other sources;

"(D) where appropriate, as determined by the local educational agency, include strategies for developing curricula and teaching methods that integrate academic and vocational instruction (including applied learning and team teaching strategies); and

"(E) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.

"(2) OPTIONAL ACTIVITIES.—Such professional development activities may include—

"(A) instruction in the use of assessments;

"(B) instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents;

"(C) the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and novice teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

"(D) instruction in the use of technology;

"(E) the creation of career ladder programs for paraprofessionals (assisting teachers under this part) to obtain the education necessary for such paraprofessionals to become licensed and certified teachers;

"(F) instruction in ways to teach special needs children;

"(G) instruction in gender-equitable education methods, techniques, and practices;

"(H) joint professional development activities involving programs under this part, Head Start, Even Start, or State-run preschool program personnel; and

"(I) instruction in experiential-based teaching methods such as service learning.

"(c) PROGRAM PARTICIPATION.—Each local educational agency receiving assistance under this part is encouraged to design professional development programs so that—

"(1) all school staff in schools participating in a schoolwide program under section 1114 can participate in professional development activities; and

"(2) all school staff in targeted assistance schools may participate in professional development activities if such participation will result in better addressing the needs of students served under this part.

"(d) PARENTAL PARTICIPATION.—Parents may participate in professional development activities under this part if the school determines that parental participation is appropriate.

"(e) CONSORTIA.—In carrying out such professional development programs, local educational agencies may provide services through consortia arrangements with other local educational agencies, educational service agencies or other local consortia, institutions of higher education, or other public or private institutions or organizations.

"(f) EFFECTIVE TEACHING STRATEGIES.—Knowledge of effective teaching strategies that is gained through professional development activities under this section may be shared with teachers who are not participating in targeted assistance programs under this part.

"(g) COMBINATIONS OF FUNDS.—Funds provided under this part that are used for professional development purposes may be combined with funds provided under title II of this Act, title III of the Goals 2000: Educate America Act, and other sources.

"(h) STATE REVIEW.—

"(1) IN GENERAL.—The State educational agency shall review the local educational agency's plan under section 1112(b) to determine if such agency's professional development activities—

"(A) are tied to challenging State student content and student performance standards;

"(B) reflect research on teaching and learning where possible;

"(C) are designed to have a positive impact on the teacher's performance in the classroom;

"(D) contribute to continuous improvement in the classroom or throughout the school;

"(E) include methods to teach children with special needs;

"(F) are developed with the extensive participation of teachers; and

"(G) include gender-equitable education methods, techniques, and practices.

"(2) TECHNICAL ASSISTANCE.—If a local educational agency's plan for professional development does not include the activities described in paragraph (1), the State educational agency shall provide technical assistance to such local educational agencies to enable such agencies to make progress toward inclusion of such activities in the local educational agency's professional development activities.

"(3) SPECIAL RULE.—No State educational agency shall require a school or a local educational agency to expend a specific amount of funds for professional development activities

under this part, except that this paragraph shall not apply with respect to requirements under section 1116(d)(6).

"(i) INSTRUCTIONAL AIDES.—

"(1) IN GENERAL.—If a local educational agency uses funds received under this part to employ instructional aides, the local educational agency shall ensure that such aides—

"(A) possess the knowledge and skills sufficient to assist participating children in meeting the educational goals of this part;

"(B) have a secondary school diploma, or its recognized equivalent, or earn either within two years of employment, except that a local educational agency may employ an instructional aide that does not meet the requirement of this subparagraph if such aide possesses proficiency in a language other than English that is needed to enhance the participation of children in programs under this part; and

"(C) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children.

"(2) INCLUSION IN ACTIVITIES.—Each local educational agency receiving funds under this part, when feasible, shall include instructional aides in professional development activities.

"SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS. 20 USC 6321.

"(a) GENERAL REQUIREMENT.—

"(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment).

"(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

"(3) EQUITY.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part.

"(4) EXPENDITURES.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

"(5) PROVISION OF SERVICES.—The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) CONSULTATION.—

"(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and devel-

opment of such agency's programs under this part, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided;

"(D) how the services will be assessed; and

"(E) the size and scope of the equitable services to be provided to the eligible private school children, and what is the proportion of funds allocated under subsection (a)(4) for such services.

"(2) TIMING.—Such consultation shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part.

"(3) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

"(c) PUBLIC CONTROL OF FUNDS.—

"(1) IN GENERAL.—The control of funds provided under this part, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds and property.

"(2) PROVISION OF SERVICES.—(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(d) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

"(1) waive the requirements of this section for such local educational agency; and

"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 14505 and 14506.

"(e) CAPITAL EXPENSES.—

"(1) IN GENERAL.—(A) From the amount appropriated for this subsection under section 1002(e) for any fiscal year, each State is eligible to receive an amount that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

"(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the

purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

"(2) CAPITAL EXPENSES.—(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.

"(B) State educational agencies shall distribute such funds under this subsection to local educational agencies based on the degree of need set forth in their respective applications for assistance under this subsection.

"(3) USES OF FUNDS.—Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

"(4) DEFINITION.—For the purpose of this subsection, the term 'capital expenses' means—

"(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including mobile educational units and leasing of neutral sites or spaces;

"(B) insurance and maintenance costs;

"(C) transportation; and

"(D) other comparable goods and services.

"SEC. 1120A. FISCAL REQUIREMENTS. 20 USC 6322.

"(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that the local educational agency has maintained its fiscal effort in accordance with section 14501 of this Act.

"(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

"(1) IN GENERAL.—(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

"(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(2) SPECIAL RULE.—No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

"(c) COMPARABILITY OF SERVICES.—

"(1) IN GENERAL.—(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) If the local educational agency is serving all of such agency's schools under this part, such agency may receive funds

under this part only if such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

"(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

"(2) WRITTEN ASSURANCE.—(A) A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—

"(i) a local educational agency-wide salary schedule;

"(ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and

"(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

"(B) For the purpose of subparagraph (A), in the determination of expenditures per pupil from State and local funds, or instructional salaries per pupil from State and local funds, staff salary differentials for years of employment shall not be included in such determinations.

"(C) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) PROCEDURES AND RECORDS.—Each local educational agency assisted under this part shall—

"(A) develop procedures for compliance with this subsection; and

"(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.

"(4) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

"(5) COMPLIANCE.—For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

"(A) bilingual education for children of limited English proficiency; and

"(B) excess costs of providing services to children with disabilities as determined by the local educational agency.

20 USC 6323.

"SEC. 1120B. COORDINATION REQUIREMENTS.

"(a) IN GENERAL.—Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) to the extent feasible and appropriate to the circumstances, including the extent to which such local educational agency is able to secure the cooperation of parents and local Head Start agencies and, if feasible, other early childhood development programs.

"(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency, and, if feasible, other early childhood development programs, serving children who will attend the schools of such agency, including—

"(1) developing and implementing a systematic procedure for receiving records regarding such children transferred with parental consent from a Head Start program or, where applicable, other early childhood development programs;

"(2) establishing channels of communication between school staff and their counterparts in such Head Start agencies (including teachers, social workers, and health staff) or other early childhood development programs, as appropriate, to facilitate coordination of programs;

"(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs, to discuss the developmental and other needs of individual children; and

"(4) organizing and participating in joint transition related training of school staff, Head Start staff, and, where appropriate, other early childhood staff.

"(c) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act Amendments of 1994.

"Subpart 2—Allocations

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR. 20 USC 6331.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c). Territories.

"(b) ASSISTANCE TO THE OUTLYING AREAS.—

"(1) IN GENERAL.—From amounts made available under subsection (a) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas (other than the outlying areas assisted under paragraph (3)).

"(2) COMPETITIVE GRANTS.—(A) The Secretary shall reserve $5,000,000 from the amounts made available under subsection (a) in each fiscal year to award grants on a competitive basis, to local educational agencies in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. The Secretary shall award such grants according to the recommendations of the Pacific Region Educational Laboratory which shall conduct a competition for such grants.

"(B) Except as provided in subparagraph (D), grant funds awarded under this part only may be used for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform.

"(C) Grant funds awarded under this paragraph only may be used to provide direct educational services.

"(D) The Secretary may provide 5 percent of the amount made available for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this paragraph.

"(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

Indians.

"(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

20 USC 6332.

"SEC. 1122. ALLOCATIONS TO STATES.

"(a) IN GENERAL.—

"(1) FISCAL YEAR 1995.—For fiscal year 1995, appropriations for this part shall be allocated according to the provisions of sections 1005, except subsection (a)(3), and 1006, part A of chapter 1 of title I, Elementary and Secondary Education Act of 1965, as in effect on September 30, 1994, except that the State minimum for section 1005 shall be the lesser of 0.25 percent of total appropriations or the average of 0.25 percent of total appropriations and 150 percent of the national average grant per child counted for grants under section 1005 multiplied by the State's number of children counted for such grants, and for grants under section 1006, the State minimum shall be the lesser of—

"(A) 0.25 percent of total appropriations; and

"(B) the average of—

"(i) 0.25 percent of total appropriations; and

"(ii) the greater of 150 percent of the national average grant per child counted for grants under such section 1006 multiplied by the State total number of such children, or $340,000.

"(2) SUCCEEDING FISCAL YEARS.—For fiscal years 1996 through 1999, an amount of the appropriations for this part equal to the appropriation for fiscal year 1995 for section 1005, shall be allocated in accordance with section 1124, and an amount equal to the appropriation for fiscal year 1995 for section 1006 shall be allocated in accordance with section 1124A. Any additional appropriations under section 1002(a)

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for any fiscal year, after application of the preceding sentence, shall be allocated in accordance with section 1125.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

"(c) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—For fiscal year 1995, notwithstanding subsection (b) and without regard to amounts available for delinquent children under subpart 2 of part D, the amount made available to each local educational agency under such section 1005 shall be at least 85 percent of the amount such local educational agency received for the preceding year under such section 1005.

"(2) FISCAL YEAR 1996.—Notwithstanding subsection (b) and without regard to amounts available for delinquent children under subpart 2 of part D, for fiscal year 1996 the total amount made available to each local educational agency under each of sections 1124 and 1124A for any fiscal year shall be at least 100 percent of the total amount such local educational agency was allocated under such sections (or their predecessor authorities) for the preceding fiscal year.

"(3) FISCAL YEARS 1997–1999.—For fiscal years 1997 through 1999, notwithstanding subsection (b) and without regard to amounts available for delinquent children under subpart 2 of part D, the amount made available to each local educational agency under each of sections 1124 and 1125 shall be at least 95 percent of the previous year's amount if the number of children counted for grants under section 1124 is at least 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency, 90 percent of the previous year amount if this percentage is between 15 percent and 30 percent, and 85 percent if this percentage is below 15 percent. For fiscal years 1997 and 1998, in calculating grants on the basis of population data for counties, the Secretary shall apply the hold-homeless percentages in the preceding sentence to counties. For fiscal years 1996 through 1998, if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this paragraph for every local educational agency within that county, then the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in excess of the hold-harmless amounts specified in this paragraph.

"(d) RATABLE REDUCTIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for

such year, the Secretary shall ratably reduce such amounts for such year.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts reduced.

"(e) DEFINITION.—For the purpose of this section and sections 1124 and 1125, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

20 USC 6333.

"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) AMOUNT OF GRANTS.—

"(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—The grant which a local educational agency in a State is eligible to receive under this subpart for a fiscal year shall (except as provided in section 1126), be determined by multiplying the number of children counted under subsection (c) by 40 percent of the amount determined under the next sentence. The amount determined under this sentence shall be the average per pupil expenditure in the State except that—

"(A) if the average per pupil expenditure in the State is less than 80 percent of the average per pupil expenditure in the United States, such amount shall be 80 percent of the average per pupil expenditure in the United States; or

"(B) if the average per pupil expenditure in the State is more than 120 percent of the average per pupil expenditure in the United States, such amount shall be 120 percent of the average per pupil expenditure in the United States.

"(2) BASIS FOR CALCULATING GRANTS.—For fiscal years 1995 through 1998, grants shall be calculated by the Secretary on the basis of the number of children counted under subsection (c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations published by the Secretary. In any State in which a large number of local educational agencies overlap county boundaries, the State educational agency may apply to the Secretary for authority during any particular fiscal year to make the allocations under this part (other than section 1124A) directly to local educational agencies without regard to the counties. If the Secretary approves an application of a State educational agency for a particular year under this subparagraph, the State educational agency shall provide assurances that—

"(A) such allocations will be made using precisely the same factors for determining a grant as are used under this part;

"(B) such allocations will be made using alternative data approved by the Secretary that the State determines best reflects the distribution of children in poor families and is adjusted to be equivalent in proportion to the number of children determined in accordance with subsection (c); or

"(C) such allocations will be made using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

In addition, the State educational agency shall provide assurances that a procedure will be established through which local educational agencies dissatisfied with the determinations made by the State educational agency may appeal directly to the Secretary for a final determination. Beginning in fiscal year 1999, grants shall be calculated by the Secretary on the basis of population data compiled for local educational agencies, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable taking into consideration the recommendations of the study to be conducted by the National Academy of Sciences. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretaries shall jointly issue a report setting forth their reasons in detail. In years when grants are calculated by the Secretary on the basis of local educational agency data, for each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State educational agency may either— Reports

"(i) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; and

"(ii) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons. If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then such local educational agency may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt.

"(3) PUERTO RICO.—For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(A) the percentage determined under the preceding sentence; and

"(B) 32 percent of the average per pupil expenditure in the United States.

"(4) DEFINITION.—For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—Subject to the succeeding sentence, a local educational agency shall be eligible for a basic grant for a fiscal year under this subpart only if the number of children counted under subsection (c) in the school district of such local educational agency is at least 10. Beginning in fiscal year 1996, no local educational agency shall be eligible for a grant under this section if the number of children counted for grants under this section is equal to 2 percent or less of the total school age population in the local educational agency. For fiscal years 1996 through 1998, grants not made as a result of applying the preceding sentence shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

"(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2);

"(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (5); and

"(C) the number of children aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States), but not counted pursuant to subpart 1 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. For fiscal year 1999 and beyond, the District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

District of Columbia. Puerto Rico.

"(3) POPULATION UPDATES.—In fiscal year 1997 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agen-

Disadvantaged persons.

cies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable, taking into consideration the recommendations of the study to be conducted by the National Academy of Sciences. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall jointly issue a report setting forth their reasons in detail. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

Reports.

"(4) STUDY.—(A) The Secretary of Education shall, within 30 days after the date of enactment of the Improving America's School's Act of 1994, contract with the National Academy of Sciences (hereafter in this section referred to as the 'Academy') to study the program to produce intercensal poverty data for small geographic areas and certain age cohorts being developed by the Bureau of the Census.

Contracts.

"(B) In conducting its study, the Academy shall consider such matters as—

"(i) the methodology used to produce and publish intercensal poverty data, and possible alternative methods to improve the usefulness of the data for Federal program purposes;

"(ii) the availability of alternative indicators of poverty for small geographic areas, against which the poverty data produced and published by the Bureau of the Census could be compared;

"(iii) the reliability of the poverty data produced and published by the Bureau of the Census, particularly for less populous geographic areas;

"(iv) the reliability of intercensal poverty data produced and published by the Bureau of the Census, as compared over time to similar data produced by the Bureau of the Census during the most recent decennial census; and

"(v) the usefulness of poverty data produced and published by the Bureau of the Census for Federal programs that allocate funds to State and sub-State areas based, in whole or in part, on such data.

"(C) The Academy shall submit to the Secretary and the Secretary of Commerce, as well as to the Committee on Education and Labor and the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Governmental Affairs of the Senate—

Reports.

"(i) not later than 18 months after the date on which a contract is entered into under subsection (a), and not later than every 18 months thereafter, such interim reports on the Academy's activities under this Act that the Academy deems appropriate, including a detailed statement of the Academy's findings and conclusions with respect to any poverty data which the Bureau of the Census pub-

lishes and produces, within 90 days of such publication; and

"(ii) not later than December 31, 1998, a final report which shall include a more detailed statement of the Academy's findings and conclusions with respect to the use of any intercensal poverty data produced and published by the Bureau of the Census as the basis for allocating Federal funds under this Act.

"(D) Of the funds appropriated under section 1002(f) of this Act, the Secretary shall use such sums as are necessary in each of fiscal years 1995, 1996, 1997, 1998, and 1999 to carry out the provisions of this paragraph.

"(5) OTHER CHILDREN TO BE COUNTED.—For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of such children and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year.

"(6) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under subparagraph (A) of this paragraph) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(d) STATE MINIMUM.—Notwithstanding subsection (b)(1) or (d) of section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

"(1) 0.25 percent of total grants under this section; or
"(2) the average of—
"(A) one-quarter of 1 percent of the total amount available for such fiscal year under this section; and
"(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.

"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES. 20 USC 6334.

"(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—
"(1) IN GENERAL.—(A) Except as otherwise provided in this paragraph, each local educational agency, in a State other than Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau, which is eligible for a grant under this part for any fiscal year shall be eligible for an additional grant under this section for that fiscal year if—
"(i) the number of children counted under section 1124(c) in the county (for fiscal years 1996 through 1998), or local educational agency (for fiscal years beginning with 1999) for the fiscal year exceeds 6,500; or
"(ii) the number of children counted under section 1124(c) exceeds 15 percent of the total number of children aged 5 to 17, inclusive, in the county (for fiscal years 1996 through 1998), or local educational agency (for fiscal years beginning with 1999) in that fiscal year.
"(B) Notwithstanding such subsections (b)(1) and (d) of section 1122, no State described in subparagraph (A) shall receive less than the lesser of—
"(i) 0.25 percent of total grants; or
"(ii) the average of—
"(I) one-quarter of 1 percent of the sums available to carry out this section for such fiscal year; and
"(II) the greater of—
"(aa) $340,000; or
"(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.
"(2) SPECIAL RULE.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—
"(A) the number of children counted under section 1124(c) for that fiscal year; and
"(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for fiscal year.
"(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount

which bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

"(4) SUBALLOCATION.—For fiscal years 1996 through 1998, county amounts shall be suballocated to local educational agencies meeting the criteria of paragraph (1)(A) by State educational agencies, in accordance with regulations published by the Secretary. For fiscal years 1995 through 1998, grants shall be calculated by the Secretary on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations published by the Secretary. In any State in which a large number of local educational agencies overlap county boundaries, the State educational agency may apply to the Secretary for authority during any particular fiscal year to make the allocations under this part (other than this section) directly to local educational agencies without regard to the counties. If the Secretary approves an application of a State educational agency for a particular year under this paragraph, the State educational agency shall provide assurances that—

"(A) such allocations will be made using precisely the same factors for determining a grant as are used under this part;

"(B) such allocations will be made using alternative data approved by the Secretary that the State determines best reflects the distribution of children in poor families and is adjusted to be equivalent in proportion to the number of children determined in accordance with section 1124(c); or

"(C) such allocations will be made using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

In addition, the State educational agency shall provide assurances that a procedure will be established through which local educational agencies dissatisfied with the determinations made by the State educational agency may appeal directly to the Secretary for a final determination. A State may reserve not more than 2 percent of its allocations in fiscal years 1996 through 1998 under this section for the purpose of making grants to local educational agencies that meet the criteria of clause (i) or (ii) of paragraph (1)(A), but are in ineligible counties. For fiscal years beginning with 1999, for each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State educational agency may either (i) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (ii) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's

local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State educational agency determines best reflects the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons and meeting the eligibility criteria of paragraph (1)(A). If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State educational agency, then such local educational agency may appeal this determination to the Secretary. The Secretary shall respond to this appeal within 45 days of receipt. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas meeting the eligibility criteria of paragraph (1)(A).

"(b) RESERVATION OF FUNDS.—Of the total amount of funds available for this section and sections 1124 and 1125, an amount equal to the appropriation for fiscal year 1995 for section 1006 of this Act (as such section was in effect on the day preceding the date of enactment of this Act) shall be available to carry out this section.

"(c) RATABLE REDUCTION RULE.—If the sums available under subsection (b) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are eligible to receive under subsection (a) for such fiscal year, the maximum amounts which all States are eligible to receive under subsection (a) for such fiscal year shall be ratably reduced. In the case that additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(d) STATES RECEIVING MINIMUM GRANTS.—In States that receive the minimum grant under subsection (a)(1)(B), the State educational agency shall allocate such funds among the local educational agencies in each State either—

"(1) in accordance with paragraphs (2) and (4) of subsection (a); or

"(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.

"SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES. 20 USC 6335.

"(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency counted under subsection 1124(c), before application of the weighting factor described in subsection (c), is at least 10, and if the number of children counted for grants under section 1124 is at least 5 percent of the total population aged 5 to 17 years, inclusive, in the local educational agency.

Funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

"(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

"(1) IN GENERAL.—The amount of the grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the weighted child count determined under subsection (c); and

"(B) the amount in the second sentence of subparagraph 1124(a)(1)(A).

"(2) PUERTO RICO.—For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined in subparagraph 1124(a)(3).

"(c) WEIGHTED CHILD COUNT.—

"(1) FISCAL YEARS 1966–1998.—

"(A) IN GENERAL.—The weighted child count used to determine a county's allocation under this section is the larger of the two amounts determined under clause (i) or (ii), as follows:

"(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) for that county constituting up to 12.20 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children constituting more than 12.20 percent, but not more than 17.70 percent, of such population, multiplied by 1.75;

"(III) the number of such children constituting more than 17.70 percent, but not more than 22.80 percent, of such population, multiplied by 2.5;

"(IV) the number of such children constituting more than 22.80 percent, but not more than 29.70 percent, of such population, multiplied by 3.25; and

"(V) the number of such children constituting more than 29.70 percent of such population, multiplied by 4.0.

"(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) constituting up to 1,917, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children between 1,918 and 5,938, inclusive, in such population, multiplied by 1.5;

"(III) the number of such children between 5,939 and 20,199, inclusive, in such population, multiplied by 2.0;

"(IV) the number of such children between 20,200 and 77,999, inclusive, in such population, multiplied by 2.5; and

"(V) the number of such children in excess of 77,999 in such population, multiplied by 3.0.

"(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for Puerto Rico under this paragraph shall not be greater than the total number of children counted under subsection 1124(c) multiplied by 1.72.

"(2) FISCAL YEARS AFTER 1999.—

"(A) IN GENERAL.—For each fiscal year beginning with fiscal year 1999 for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the two amounts determined under clauses (i) and (ii), as follows:

"(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) for that local educational agency constituting up to 14.265 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children constituting more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

"(III) the number of such children constituting more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

"(IV) the number of such children constituting more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

"(V) the number of such children constituting more than 36.538 percent of such population, multiplied by 4.0.

"(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) constituting up to 575, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children between 576 and 1,870, inclusive, in such population, multiplied by 1.5;

"(III) the number of such children between 1,871 and 6,910, inclusive, in such population, multiplied by 2.0;

"(IV) the number of such children between 6,911 and 42,000, inclusive, in such population, multiplied by 2.5; and

"(V) the number of such children in excess of 42,000 in such population, multiplied by 3.0.

"(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for Puerto Rico under this para-

graph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

"(d) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—For fiscal years 1995 through 1998, grants shall be calculated by the Secretary on the basis of the number of children counted under section 1124 for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations published by the Secretary. In any State in which a large number of local educational agencies overlap county boundaries, the State educational agency may apply to the Secretary for authority during any particular fiscal year to make the allocations under this part (other than section 1124A) directly to local educational agencies without regard to the counties. If the Secretary approves an application of a State educational agency for a particular year under this subparagraph, the State educational agency shall provide assurances that—

"(1) such allocations will be made using precisely the same factors for determining a grant as are used under this part;

"(2) such allocations will be made using alternative data approved by the Secretary that the State determines best reflects the distribution of children in poor families and is adjusted to be equivalent in proportion to the number of children determined in accordance with section 1124(c); or

"(3) such allocations will be made using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

In addition, the State educational agency shall provide assurances that a procedure will be established through which local educational agencies dissatisfied with the determinations made by the State educational agency may appeal directly to the Secretary for a final determination. For fiscal years beginning in 1999, for each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State educational agency may either (1) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (2) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State educational agency determines best reflects the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons. If a local educational agency serving an area with total populations of less than 20,000 persons is dissatisfied with the determination of its grant by the State educational agency, then the local educational agency may appeal this determination to the Secretary. The Secretary shall respond to this appeal within 45 days of receipt.

"(e) STATE MINIMUM.—Notwithstanding any other provision of this section or subsection (b)(1) or (d) of section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

"(1) 0.25 percent of total appropriations; or

"(2) the average of—

"(A) one-quarter of 1 percent of the total amount available to carry out this section; and

"(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.

"SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM. 20 USC 6336.

"(a) GRANTS.—The Secretary is authorized to make grants to States from the sums appropriated pursuant to subsection (e) to carry out the purposes of this part.

"(b) DISTRIBUTION BASED UPON FISCAL EFFORT AND EQUITY.—

"(1) IN GENERAL.—Funds appropriated pursuant to subsection (e) shall be allotted to each State based upon the number of children aged 5 to 17, inclusive, of such State multiplied by the product of—

"(A) such State's effort factor described in paragraph (2); multiplied by

"(B) 1.30 minus such State's equity factor described in paragraph (3),

except that for each fiscal year no State shall receive less than one-quarter of 1 percent of the total amount appropriated pursuant to subsection (e) for such fiscal year.

"(2) EFFORT FACTOR.—(A) Except as provided in subparagraph (B), the effort factor for a State shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than .95 nor greater than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the three-year average per-pupil expenditure in the State multiplied by the three-year average per capita income in the United States and the denominator of which is the product of the three-year average per capita income in such State multiplied by the three-year average per-pupil expenditure in the United States.

"(B) The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subparagraph (A) for any State.

"(3) EQUITY FACTOR.—(A)(i) Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

"(ii)(I) For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), (IV), and (V).

"(II) In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils in the local educational agency.

"(III) In determining the number of pupils under this paragraph in each local educational agency and each State, the Secretary shall multiply the number of children from low-income families by 1.4 under this paragraph.

"(IV) In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

"(V) The Secretary shall compute separate coefficients of variation for elementary, secondary, and unified local educational agencies and shall combine such coefficients into a single weighted average coefficient for the State by multiplying each coefficient by the total enrollments of the local educational agencies in each group, adding such products, and dividing such sum by the total enrollments of the local educational agencies in the State.

"(B) The equity factor for a State that meets the disparity standard described in section 222.63 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of this Act) or a State with only one local educational agency shall be not greater than .10.

"(C) The Secretary may revise each State's equity factor as necessary based on the advice of independent education finance scholars to reflect other need-based costs of local educational agencies in addition to low-income student enrollment, such as differing geographic costs, costs associated with students with disabilities, children with limited-English proficiency or other meaningful educational needs, which deserve additional support. In addition and also with the advice of independent education finance scholars, the Secretary may revise each State's equity factor to incorporate other valid and accepted methods to achieve adequacy of educational opportunity that may not be reflected in a coefficient of variation method.

"(c) USE OF FUNDS.—All funds awarded to each State under this section shall be allocated to local educational agencies and schools on a basis consistent with the distribution of other funds to such agencies and schools under sections 1124, 1124A, and 1125 to carry out activities under this part.

"(d) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allotment of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

"(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of the of funds awarded to any State under this section in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) WAIVERS.—The Secretary may waive, for one fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disas-

ter or a precipitous and unforeseen decline in the financial resources of the State.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated $200,000,000 for fiscal year 1996 and such sums as may be necessary for each of the three succeeding fiscal years.

"SEC. 1126. SPECIAL ALLOCATION PROCEDURES. 20 USC 6337.

"(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

"(1) IN GENERAL.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected children as described in subparagraph 1124(c)(1)(C), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

"(2) SPECIAL RULE.—If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

"(1) if two or more local educational agencies serve, in whole or in part, the same geographical area;

"(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

"(3) to reflect the merger, creation, or change of boundaries of one or more local educational agencies.

"(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

"SEC. 1127. CARRYOVER AND WAIVER. 20 USC 6338.

"(a) LIMITATION ON CARRYOVER.—Notwithstanding section 421 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

"(b) WAIVER.—A State educational agency may, once every three years, waive the percentage limitation in subsection (a) if—

"(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

"(2) supplemental appropriations for this subpart become available.

"(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.

Disadvantaged persons.
Grants.

"PART B—EVEN START FAMILY LITERACY PROGRAMS

20 USC 6361.

"SEC. 1201. STATEMENT OF PURPOSE.

"It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as 'Even Start'. The program shall—

"(1) be implemented through cooperative projects that build on existing community resources to create a new range of services;

"(2) promote achievement of the National Education Goals; and

"(3) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student performance standards.

20 USC 6362.

"SEC. 1202. PROGRAM AUTHORIZED.

"(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—

"(1) IN GENERAL.—For each fiscal year, the Secretary shall reserve 5 percent of the amount appropriated under section 1002(b) for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

"(A) children of migratory workers;

"(B) the outlying areas; and

"(C) Indian tribes and tribal organizations.

"(2) SPECIAL RULE.—If the amount of funds made available under this subsection exceeds $4,600,000, the Secretary shall award a grant, on a competitive basis, of sufficient size and for a period of sufficient duration to demonstrate the effectiveness of a family literacy program in a prison that houses women and their preschool age children and that has the capability of developing a program of high quality.

"(b) RESERVATION FOR FEDERAL ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than three percent of such amounts or the amount reserved to carry out the activities described in paragraphs (1) and (2) of subsection (a) for the fiscal year 1994, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1209; and

"(2) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

"(c) RESERVATION FOR GRANTS.—

"(1) GRANTS AUTHORIZED.—In any fiscal year in which the amount appropriated to carry out this part exceeds the amount appropriated to carry out this part for the preceding fiscal year, the Secretary may reserve such funds in excess of the amount appropriated for such preceding fiscal years as do not exceed $1,000,000 to award grants, on a competitive basis, to States to enable such States to plan and implement, statewide family literacy initiatives to coordinate and integrate exist-

ing Federal, State, and local literacy resources consistent with the purposes of this part. Such coordination and integration shall include funds available under the Adult Education Act, Head Start, Even Start, and the Family Support Act of 1988.

"(2) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State under paragraph (1) unless the State agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.

"(d) STATE ALLOCATION.—

"(1) IN GENERAL.—From amounts appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c), the Secretary shall make grants to States from allocations under paragraph (2).

"(2) ALLOCATIONS.—Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated under part A to that State bears to the total amount allocated under that section to all the States.

"(3) MINIMUM.—No State shall receive a grant under paragraph (1) in any fiscal year in an amount which is less than $250,000, or one-half of 1 percent of the amount appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c) for such year, whichever is greater.

"(e) DEFINITIONS.—For the purpose of this part—

"(1) the term 'eligible entity' means a partnership composed of both—

"(A) a local educational agency; and

"(B) a nonprofit community-based organization, a public agency other than a local educational agency, an institution of higher education, or a public or private nonprofit organization other than a local educational agency, of demonstrated quality;

"(2) the term 'eligible organization' means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

"(3) the terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act; and

"(4) the term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1203. STATE PROGRAMS. 20 USC 6363

"(a) STATE LEVEL ACTIVITIES.—Each State that receives a grant under section 1202(d)(1) may use not more than 5 percent of the grant funds for the costs of—

"(1) administration; and

"(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication, to eligible entities that receive subgrants under subsection (b).

"(b) SUBGRANTS FOR LOCAL PROGRAMS.—

"(1) IN GENERAL.—Each State shall use the grant funds received under section 1202(d)(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.

"(2) MINIMUM.—No State shall award a subgrant under paragraph (1) in an amount less than $75,000, except that a State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than $75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in amounts of $75,000 or greater, less than $75,000 is available to the State to award such subgrants.

"SEC. 1204. USES OF FUNDS.

"(a) IN GENERAL.—In carrying out an Even Start program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children, from birth through age seven, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

"(b) FEDERAL SHARE LIMITATION.—

"(1) IN GENERAL.—(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

"(i) 90 percent of the total cost of the program in the first year that such program receives assistance under this part or its predecessor authority;

"(ii) 80 percent in the second such year;

"(iii) 70 percent in the third such year;

"(iv) 60 percent in the fourth such year; and

"(v) 50 percent in any subsequent such year.

"(B) The remaining cost of a program assisted under this part may be provided in cash or in kind, fairly evaluated and may be obtained from any source, including other Federal funds under this Act.

"(2) WAIVER.—The State educational agency may waive, in whole or in part, the cost-sharing requirement described in paragraph (1) for an eligible entity if such entity—

"(A) demonstrates that such entity otherwise would not be able to participate in the program assisted under this part; and

"(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver will be applicable.

"(3) PROHIBITION.—Federal funds provided under this part may not be used for the indirect costs of a program assisted under this part, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 1202(a)(1)(C) demonstrates to the Secretary's satisfaction that such recipient otherwise would not be able to participate in the program assisted under this part.

20 USC 6365.

"SEC. 1205. PROGRAM ELEMENTS.

"Each program assisted under this part shall—

"(1) include the identification and recruitment of families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English

language proficiency of the eligible parent or parents, and other need-related indicators;

"(2) include screening and preparation of parents, including teenage parents and children to enable such parents to participate fully in the activities and services provided under this part, including testing, referral to necessary counselling, other developmental and support services, and related services;

"(3) be designed to accommodate the participants' work schedule and other responsibilities, including the provision of support services, when such services are unavailable from other sources, necessary for participation in the activities assisted under this part, such as—

"(A) scheduling and locating of services to allow joint participation by parents and children;

"(B) child care for the period that parents are involved in the program provided under this part; and

"(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

"(4) include high-quality instructional programs that promote adult literacy and empower parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

"(5) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

"(6) provide and monitor integrated instructional services to participating parents and children through home-based programs;

"(7) operate on a year-round basis, including the provision of some program services, instructional or enrichment, during the summer months;

"(8) be coordinated with—

"(A) programs assisted under other parts of this title and this Act;

"(B) any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and

"(C) the Head Start program, volunteer literacy programs, and other relevant programs;

"(9) ensure that the programs will serve those families most in need of the activities and services provided by this part; and

"(10) provide for an independent evaluation of the program.

"SEC. 1206. ELIGIBLE PARTICIPANTS. 20 USC 6366.

"(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

"(1) a parent or parents—

"(A) who are eligible for participation in an adult basic education program under the Adult Education Act; or

"(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

"(2) the child or children, from birth through age seven, of any individual described in paragraph (1).

"(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—

"(1) IN GENERAL.—Family members of eligible participants described in subsection (a) may participate in activities and services provided under this part, when appropriate to serve the purpose of this part.

"(2) SPECIAL RULE.—Any family participating in a program assisted under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for such participation, which—

"(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

"(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.

20 USC 6367.

"SEC. 1207. APPLICATIONS.

"(a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

"(b) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

"(1) to develop, administer, and implement an Even Start program under this part; and

"(2) to provide access to the special training necessary to prepare staff for the program, which may be offered by an eligible organization.

"(c) PLAN.—

"(1) IN GENERAL.—Such application shall also include a plan of operation for the program which shall include—

"(A) a description of the program goals;

"(B) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1205;

"(C) a description of the population to be served and an estimate of the number of participants to be served;

"(D) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other eligible organizations in carrying out the program for which assistance is sought;

"(E) a statement of the methods that will be used—

"(i) to ensure that the programs will serve families most in need of the activities and services provided by this part;

"(ii) to provide services under this part to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

"(iii) to encourage participants to remain in the program for a time sufficient to meet the program's purpose; and

"(F) a description of how the plan is integrated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate, consistent with section 14306.

"(2) DURATION OF THE PLAN.—Each plan submitted under paragraph (1)(A) shall—

"(A) remain in effect for the duration of the eligible entity's participation under this part; and

"(B) be periodically reviewed and revised by the eligible entity as necessary.

"(d) CONSOLIDATED APPLICATION.—The plan described in subsection (c)(1)(F) may be submitted as part of a consolidated application under section 14302.

"SEC. 1208. AWARD OF SUBGRANTS. 20 USC 6368.

"(a) SELECTION PROCESS.—

"(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with paragraph (3) that will approve applications that—

"(A) are most likely to be successful in—

"(i) meeting the purpose of this part; and

"(ii) effectively implementing the program elements required under section 1205;

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited-English proficiency, or other need-related indicators, including a high percentage of children to be served by the program who reside in a school attendance area eligible for participation in programs under part A;

"(C) provide services for at least a three-year age range, which may begin at birth;

"(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

"(E) include cost-effective budgets, given the scope of the application;

"(F) demonstrate the applicant's ability to provide the Federal share required by section 1204(b);

"(G) are representative of urban and rural regions of the State; and

"(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

"(2) PRIORITY FOR SUBGRANTS.—The State educational agency shall give priority for subgrants under this subsection to applications that—

"(A) target services primarily to families described in paragraph (1)(B); or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(3) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one or more of the following individuals:

"(A) A representative of a parent-child education organization.

"(B) A representative of a community-based literacy organization.

"(C) A member of a local board of education.

"(D) A representative of business and industry with a commitment to education.

"(E) An individual who has been involved in the implementation of programs under this title in the State.

"(b) DURATION.—

"(1) IN GENERAL.—Subgrants under this part may be awarded for a period not to exceed four years.

"(2) STARTUP PERIOD.—The State educational agency may provide subgrant funds to an eligible recipient, at such recipient's request, for a three- to six-month startup period during the first year of the four-year grant period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

"(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the startup period, if any.

"(4) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds if such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

"(5) GRANT RENEWAL.—(A) An eligible entity that has previously received a subgrant under this part may reapply under this part for additional subgrants. An eligible recipient may receive funds under this part for a period not to exceed eight years.

"(B) The Federal share of any subgrant renewed under subparagraph (A) shall not exceed 50 percent in any fiscal year.

20 USC 6369.

"SEC. 1209. EVALUATION.

"From funds reserved under section 1202(b)(1), the Secretary shall provide for an independent evaluation of programs assisted under this part—

"(1) to determine the performance and effectiveness of programs assisted under this part; and

"(2) to identify effective Even Start programs assisted under this part that can be duplicated and used in providing technical assistance to Federal, State, and local programs.

20 USC 6370.

"SEC. 1210. CONSTRUCTION.

"Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"PART C—EDUCATION OF MIGRATORY CHILDREN

"SEC. 1301. PROGRAM PURPOSE. 20 USC 6391.

"It is the purpose of this part to assist States to—

"(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

"(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

"(3) ensure that migratory children have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

"(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and

"(5) ensure that migratory children benefit from State and local systemic reforms.

"SEC. 1302. PROGRAM AUTHORIZED. Grants. 20 USC 6392.

"In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

"SEC. 1303. STATE ALLOCATIONS. 20 USC 6393.

"(a) STATE ALLOCATIONS.—Each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for each fiscal year, an amount equal to—

"(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average expenditure per pupil in the United States.

"(b) ALLOCATION TO PUERTO RICO.—For each fiscal year, the amount for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

"(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS; REALLOCATIONS.—

"(1) IN GENERAL.—(A) If, after the Secretary reserves funds under section 1308(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

"(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this part.

"(2) SPECIAL RULE.—(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 1304.

"(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

"(d) CONSORTIUM ARRANGEMENTS.—

"(1) IN GENERAL.—In the case of a State that receives a grant of $1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

"(2) PROPOSALS.—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

"(3) APPROVAL.—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

"(A) reduce administrative costs or program function costs for State programs; and

"(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

"(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

"(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children;

"(2) develop and implement a procedure for more accurately reflecting cost factors for different types of summer and intersession program designs;

"(3) adjust the full-time equivalent number of migratory children who reside in each State to take into account—

"(A) the special needs of those children participating in special programs provided under this part that operate during the summer and intersession periods; and

"(B) the additional costs of operating such programs; and

"(4) conduct an analysis of the options for adjusting the formula so as to better direct services to the child whose education has been interrupted.

"SEC. 1304. STATE APPLICATIONS; SERVICES. 20 USC 6394.

"(a) APPLICATION REQUIRED.—Any State desiring to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) PROGRAM INFORMATION.—Each such application shall include—

"(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this part, the State and its local operating agencies will ensure that the special educational needs of migratory children, including preschool migratory children, are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1306;

"(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

"(3) a description of how the State will use funds received under this part to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year;

"(4) a description of the State's priorities for the use of funds received under this part, and how such priorities relate to the State's assessment of needs for services in the State;

"(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account the requirements of paragraph (1); and

"(6) such budgetary and other information as the Secretary may require.

"(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—

"(1) funds received under this part will be used only—

"(A) for programs and projects, including the acquisition of equipment, in accordance with section 1306(b)(1); and

"(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

"(2) such programs and projects will be carried out in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, section 1120, and subsections (b) and (c) of section 1120A, and part F;

"(3) in the planning and operation of programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for pro-

grams of one school year in duration, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1118;

"(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

"(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A;

"(6) to the extent feasible, such programs and projects will provide for—

"(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) family literacy programs, including such programs that use models developed under Even Start;

"(D) the integration of information technology into educational and related programs; and

"(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and

"(7) the State will assist the Secretary in determining the number of migratory children under section 1303(e), through such procedures as the Secretary may require.

"(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards, and whose education has been interrupted during the regular school year.

"(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

"(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;

"(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs; and

"(3) secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

20 USC 6395.

"SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.

"(a) SECRETARIAL APPROVAL.—The Secretary shall approve each State application that meets the requirements of this part.

"(b) PEER REVIEW.—The Secretary may review any such application with the assistance and advice of State officials and other individuals with relevant expertise.

"SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES. 20 USC 6396.

"(a) COMPREHENSIVE PLAN.—

"(1) IN GENERAL.—Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

"(A) is integrated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate, consistent with section 14306;

"(B) may be submitted as a part of consolidated application under section 14302;

"(C) provides that migratory children will have an opportunity to meet the same challenging State content standards and challenging State student performance standards, set out in such plans, that all children are expected to meet;

"(D) specifies measurable program goals and outcomes;

"(E) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

"(F) is the product of joint planning among such local, State, and Federal programs, including programs under part A, early childhood programs, and bilingual education programs under part A of title VII; and

"(G) provides for the integration of services available under this part with services provided by such other programs.

"(2) DURATION OF THE PLAN.—Each such comprehensive State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(b) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, except that—

"(A) before funds under this part are used to provide services described in subparagraph (B), such funds shall be used to meet the identified needs of migratory children that—

"(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

"(ii) are not addressed by services provided under other programs, including programs under part A; and

"(B) all migratory children who are eligible to receive services under part A shall receive such services with funds provided under this part or under part A.

"(2) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local operating agency from serving migrant students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(3) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in paragraph (1)(A).

20 USC 6397.

"SEC. 1307. BYPASS.

"The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or private nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

"(1) the State is unable or unwilling to conduct educational programs for migratory children;

"(2) such arrangements would result in more efficient and economic administration of such programs; or

"(3) such arrangements would add substantially to the welfare or educational attainment of such children.

20 USC 6398.

"SEC. 1308. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

"(a) IMPROVEMENT OF COORDINATION.—

"(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among such agencies' educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

"(2) DURATION.—Grants under this subpart may be awarded for not more than five years.

"(b) ASSISTANCE AND REPORTING.—

"(1) STUDENT RECORDS.—(A) The Secretary shall solicit information on how student records are transferred from one school to another and shall solicit recommendations on whether new procedures and technologies for record transfer should be employed to better meet the needs of the migrant population.

"(B) The Secretary shall also seek recommendations on the most effective means for determining the number of students or full-time equivalent students in each State for the purpose of allocating funds under this part.

"(2) REPORT TO CONGRESS.—(A) Not later than April 30, 1995, the Secretary shall report to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives the Secretary's findings and recommendations, and shall include in this report, recommendations for interim measures that may be taken to ensure continuity of services in this program.

Records.

"(B) The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of students or full-time equivalent students in each State if such interim measures are required.

"(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve not more than $6,000,000 of the amount appropriated to carry out this part for such year.

"(d) INCENTIVE GRANTS.—

"(1) IN GENERAL.—From the amounts made available to carry out this section, the Secretary shall reserve not more than $1,500,000 to award, on a competitive basis, grants in

the amount of not more than $250,000 to State educational agencies with consortium agreements under section 1303(d).

"(2) LIMITATION.—Not less than 10 of such grants shall be awarded to States which receive allocations of less than $1,000,000 if such States have approved agreements.

"SEC. 1309. DEFINITIONS. 20 USC 6399.

"As used in this part:

"(1) LOCAL OPERATING AGENCY.—The term 'local operating agency' means—

"(A) a local educational agency to which a State educational agency makes a subgrant under this part;

"(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

"(2) MIGRATORY CHILD.—The term 'migratory child' means a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent, spouse, or guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(A) has moved from one school district to another;

"(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

"(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

"PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT

"SEC. 1401. FINDINGS; PURPOSE; PROGRAM AUTHORIZED. 20 USC 6421.

"(a) FINDINGS.—Congress finds the following:

"(1) A large percentage of youth in the juvenile justice system have poor academic achievement, are a year or more behind grade level, and have dropped out of school.

"(2) There is a strong correlation between academic failure and involvement in delinquent activities.

"(3) Preventing students from dropping out of local schools and addressing the educational needs of delinquent youth can help reduce the dropout rate and involvement in delinquent activities at the same time.

"(4) Many schools and correctional facilities fail to communicate regarding a youth's academic needs and students often return to their home school ill-prepared to meet current curriculum requirements.

"(5) Schools are often reluctant to deal with youth returning from facilities and receive no funds to deal with the unique educational and other needs of such youth.

"(6) A continuing need exists for activities and programs to reduce the incidence of youth dropping out of school.

"(7) Federal dropout prevention programs have demonstrated effectiveness in keeping children and youth in school.

"(8) Pregnant and parenting teens are a high at-risk group for dropping out of school and should be targeted by dropout prevention programs.

"(9) Such youth need a strong dropout prevention program which provides such youth with high level skills and which provides supports to youth returning from correctional facilities in order to keep such youth in school.

"(b) PURPOSE.—It is the purpose of this part—

"(1) to improve educational services to children in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State will be expected to meet;

"(2) to provide such children and youth the services needed to make a successful transition from institutionalization to further schooling or employment; and

"(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.

"(c) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected or delinquent children and youth at risk of dropping out of school before graduation.

20 USC 6422.

"SEC. 1402. PAYMENTS FOR PROGRAMS UNDER THIS PART.

"(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 1412, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies.

"(b) LOCAL SUBGRANTS.—Each State shall retain, for purposes of subpart 2, funds generated throughout the State under part A based on youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

"(c) USE OF REMAINING FUNDS.—Each State shall use any funds remaining after allocations are made under subsection (a).

"Subpart 1—State Agency Programs

20 USC 6431.

"SEC. 1411. ELIGIBILITY.

"A State agency is eligible for assistance under this subpart if such State agency is responsible for providing free public education for children—

"(1) in institutions for neglected or delinquent children;

"(2) attending community day programs for neglected or delinquent children; or

"(3) in adult correctional institutions.

20 USC 6432.

"SEC. 1412. ALLOCATION OF FUNDS.

"(a) SUBGRANTS TO STATE AGENCIES.—

"(1) IN GENERAL.—Each State agency described in section 1411 (other than an agency in the Commonwealth of Puerto

Rico) is eligible to receive a subgrant under this part, for each fiscal year, an amount equal to the product of—

"(A) the number of neglected or delinquent children and youth described in section 1411 who—

"(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

"(ii) are enrolled for at least 20 hours per week—

"(I) in education programs in institutions for neglected or delinquent children; or

"(II) in community day programs for neglected or delinquent children; and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) SPECIAL RULE.—The number of neglected or delinquent children and youth determined under paragraph (1) shall—

"(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children on a specific date set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

"(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

"(1) the number of children and youth counted under subsection (a)(1) for the Commonwealth of Puerto Rico; multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

"SEC. 1413. STATE REALLOCATION OF FUNDS. 20 USC 6433

"If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this part for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

"SEC. 1414. STATE PLAN AND STATE AGENCY APPLICATIONS. 20 USC 6434

"(a) STATE PLAN.—

"(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this part shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent youth and, where applicable, youth at risk of dropping out of school which is integrated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate, consistent with section 14306.

"(2) CONTENTS.—Each such State plan shall—

"(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

"(C) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;

"(ii) carry out the evaluation requirements of section 1416;

"(iii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and

"(iv) provide such other information as the Secretary may reasonably require.

"(3) DURATION OF THE PLAN.—Each such State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(b) SECRETARIAL APPROVAL; PEER REVIEW.—

"(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this part.

"(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

"(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served;

"(2) provides assurances that in making services available to youth in adult correctional facilities, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

"(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

"(4) describes how the program will meet the goals and objectives of the State plan under this subpart;

"(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1416 are of high quality;

"(6) describes how the agency will carry out the evaluation requirements of section 14701 and how the results of the most recent evaluation are used to plan and improve the program;

"(7) includes data showing that the agency has maintained fiscal effort required of a local educational agency, in accordance with section 14501 of this title;

"(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under the Job Training Partnership Act, vocational education programs, State and local dropout prevention programs, and special education programs;

"(9) describes how appropriate professional development will be provided to teachers and other staff;

"(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

"(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating youth;

"(12) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

"(13) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;

"(14) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if such youth—

"(A) is identified as in need of special education services while the youth is in the facility; and

"(B) intends to return to the local school;

"(15) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or the recognized equivalent if the youth does not intend to return to school;

"(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

"(17) describes any additional services provided to youth, such as career counseling, and assistance in securing student loans and grants; and

"(18) provides assurances that the program under this subpart will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.

20 USC 6435. **"SEC. 1415. USE OF FUNDS.**

"(a) IN GENERAL.—

"(1) USES.—A State agency shall use funds received under this subpart only for programs and projects that—

"(A) are consistent with the State plan under section 1414(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, further education, or employment.

"(2) PROGRAMS AND PROJECTS.—Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 1416, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

"(iii) afford such children an opportunity to learn to such challenging State standards;

"(C) shall be carried out in a manner consistent with section 1120A and part F of this title; and

"(D) may include the costs of meeting the evaluation requirements of section 14701.

"(b) SUPPLEMENT, NOT SUPPLANT.—A program under this subpart that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A without regard to the subject areas in which instruction is given during those hours.

20 USC 6436. **"SEC. 1416. INSTITUTION-WIDE PROJECTS.**

"A State agency that provides free public education for children and youth in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

"(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a two-year period;

"(3) describes the steps the State agency has taken, or will take, to provide all children under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that the students will complete second-

ary school, attain secondary diploma or its recognized equivalent, or find employment after leaving the institution;

"(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

"(5) specifically describes how such funds will be used;

"(6) describes the measures and procedures that will be used to assess student progress;

"(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

"(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

"SEC. 1417. THREE-YEAR PROGRAMS OR PROJECTS. 20 USC 6437.

"If a State agency operates a program or project under this subpart in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period of not more than three years.

"SEC. 1418. TRANSITION SERVICES. 20 USC 6438.

"(a) TRANSITION SERVICES.—Each State agency shall reserve not more than 10 percent of the amount such agency receives under this subpart for any fiscal year to support projects that facilitate the transition of children from State-operated institutions to local educational agencies.

"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide transitional educational services, which may include pupil services and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"Subpart 2—Local Agency Programs

"SEC. 1421. PURPOSE. 20 USC 6451.

"The purpose of this subpart is to support the operation of local educational agency programs which involve collaboration with locally operated correctional facilities to—

"(1) carry out high quality education programs to prepare youth for secondary school completion, training, and employment, or further education;

"(2) provide activities to facilitate the transition of such youth from the correctional program to further education or employment; and

"(3) operate dropout prevention programs in local schools for youth at risk of dropping out of school and youth returning from correctional facilities.

20 USC 6452.

"SEC. 1422. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

"(a) LOCAL SUBGRANTS.—With funds retained made available under section 1402(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of youth residing in locally operated (including county operated) correctional facilities for youth (including facilities involved in day programs).

"(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a dropout prevention program if more than 30 percent of the youth attending such facility will reside outside the boundaries of the local educational agency upon leaving such facility.

"(c) NOTIFICATION.—A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this subpart.

20 USC 6453.

"SEC. 1423. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

"Eligible local educational agencies desiring assistance under this section shall submit an application to the State educational agency, containing such information as the State educational agency may require. Each such application shall include—

"(1) a description of the program to be assisted;

"(2) a description of formal agreements between—

"(A) the local educational agency; and

"(B) correctional facilities and alternative school programs serving youth involved with the juvenile justice system to operate programs for delinquent youth;

"(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school such youth would attend;

"(4) as appropriate, a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at-risk youth in participating schools and youth returning from correctional facilities;

"(5) as appropriate, a description of the youth expected to be served by the dropout prevention program and how the school will be coordinating existing educational programs to meet unique education needs;

"(6) as appropriate, a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility;

"(7) as appropriate, a description of any partnerships with local businesses to develop training and mentoring services for participating students;

"(8) as appropriate, a description of how the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

"(9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under the Job Training and Partnership Act and vocational education programs serving this at-risk population of youth;

"(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

"(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities;

"(12) a description of efforts participating schools will make to ensure correctional facilities working with youth are aware of a child's existing individualized education program; and

"(13) as appropriate, a description of the steps participating schools will take to find alternative placements for youth interested in continuing their education but unable to participate in a regular public school program.

"SEC. 1424. USES OF FUNDS. 20 USC 6454.

"Funds provided to local educational agencies under this subpart may be used, where appropriate, for—

"(1) dropout prevention programs which serve youth at educational risk, including pregnant and parenting teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrant youth, immigrant youth, students with limited-English proficiency and gang members;

"(2) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care and drug and alcohol counseling, will improve the likelihood such individuals will complete their education; and

"(3) programs to meet the unique education needs of youth at risk of dropping out of school, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

"SEC. 1425. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION. Contracts. 20 USC 6455.

"Each correctional facility entering into an agreement with a local educational agency under section 1422(a) to provide services to youth under this section shall—

"(1) where feasible, ensure educational programs in juvenile facilities are coordinated with the student's home school, particularly with respect to special education students with an individualized education program;

"(2) notify the local school of a youth if the youth is identified as in need of special education services while in the facility;

"(3) where feasible, provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

"(4) provide support programs which encourage youth who have dropped out to reenter school once their term has been completed or provide such youth with the skills necessary for such youth to gain employment or seek a secondary school diploma or its recognized equivalent;

"(5) work to ensure such facilities are staffed with teachers and other qualified staff who are trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such children and students;

"(6) ensure educational programs in correctional facilities are related to assisting students meet high educational standards;

"(7) use, to the extent possible, technology to assist in coordinating educational programs between the juvenile facility and the community school;

"(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

"(9) coordinate funds received under this program with other local, State, and Federal funds available to provide services to participating youth, such as funds under the Job Training Partnership Act, and vocational education funds;

"(10) coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; and

"(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.

20 USC 6456.

"SEC. 1426. ACCOUNTABILITY.

"The State educational agency may—

"(1) reduce or terminate funding for projects under this section if a local educational agency does not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

"(2) require juvenile facilities to demonstrate, after receiving assistance under this subpart for 3 years, that there has been an increase in the number of youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such youth are released.

"Subpart 3—General Provisions

20 USC 6471.

"SEC. 1431. PROGRAM EVALUATIONS.

"(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under subpart 1 or 2 shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every three years to determine the program's impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the institution.

"(b) EVALUATION MEASURES.—In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency and local educational agency shall—

"(1) submit evaluation results to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

"SEC. 1432. DEFINITIONS. 20 USC 6472.

"For the purpose of this part:

"(1) The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

"(2) The term 'at-risk youth' means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for the age of the youth, have limited-English proficiency, are gang members, have dropped out of school in the past, or have high absenteeism rates at school.

"(3) The term 'community day program' means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children.

"(4) The term 'institution for delinquent children and youth' means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

"(5) The term 'institution for neglected children' means a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians.

"PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS

"SEC. 1501. EVALUATIONS. 20 USC 6491.

"(a) NATIONAL ASSESSMENT.—

"(1) IN GENERAL.—The Secretary shall conduct a national assessment of programs assisted under this title, in coordination with the ongoing National Evaluation under subsection (b) that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

"(2) EXAMINATION.—The assessment shall examine how well schools, local educational agencies, and States are—

"(A) progressing toward the goal of all children served under this title reaching the State's challenging State content standards and challenging State student performance standards; and

"(B) accomplishing the purpose set forth in section 1001(d) to achieve the goal described in paragraph (1), including—

"(i) ensuring challenging State content standards and challenging State student performance standards for all children served under this title and aligning the efforts of States, local educational agencies, and schools to help such children reach such standards;

"(ii) providing children served under this title an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that such children receive;

"(iii) promoting schoolwide reform and access for all children served under this title to effective instructional strategies and challenging academic content;

"(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;

"(v) using and evaluating the usefulness of opportunity-to-learn standards or strategies in improving learning in schools receiving assistance under this part;

"(vi) coordinating services provided under all parts of this title with each other, with other educational and pupil services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;

"(vii) affording parents of children served under this title meaningful opportunities to participate in the education of their children at home and at school, such as the provision of family literacy services;

"(viii) distributing resources to areas where needs are greatest;

"(ix) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and

"(x) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"(3) NAEP INFORMATION.—Where feasible, the Secretary shall use information gathered from a variety of sources, including the National Assessment of Educational Progress, State evaluations, and available research studies, in carrying out this subsection.

"(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit to the President and the appropriate committees of the Congress an interim report by January 1, 1996, summarizing the preliminary findings of the assessment and a final report of the findings of the assessment by January 1, 1998.

"(b) STUDIES AND DATA COLLECTION.—

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"(1) IN GENERAL.—The Secretary may collect such data, as necessary, at the State, local, and school levels and conduct studies and evaluations, including national studies and evaluations, to assess on an ongoing basis the effectiveness of programs under this title and to report on such effectiveness on a periodic basis. The Secretary shall report not later than December 31, 1997 to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on how schoolwide programs are meeting the needs of children from migratory families. Reports.

"(2) MINIMUM INFORMATION.—At a minimum, the Secretary shall collect trend information on the effect of programs under this title. Such data shall complement the data collected and reported under subsections (a) and (c).

"(c) NATIONAL EVALUATION OF PART A OF TITLE I.—

"(1) IN GENERAL.—The Secretary shall carry out an ongoing evaluation of the program assisted under part A of title I in order to provide the public, the Congress, and educators involved in such program, an accurate description of the short- and long-term effectiveness of such program and to provide information that can be used to improve such program's effectiveness in enabling students to meet challenging State content standards and challenging State student performance standards, graduate from secondary school, and make successful transitions to postsecondary education and work. Such evaluation shall—

"(A) have a longitudinal design that tracks cohorts of students within schools of differing poverty concentrations for at least three years which, when the cohorts are taken as a whole, provides a picture of such program's effectiveness over the elementary and secondary grades;

"(B) be separate and independent from State and local assessments and evaluations as required under this title;

"(C) utilize the highest available content standards that are generally accepted as national in scope;

"(D) provide information on all students, students served under part A, and, if funds are sufficient, information on students from low-income families, limited-English-proficient students, and students with disabilities; and

"(E) when feasible, collect, cross-tabulate, and report data by sex within race or ethnicity and socioeconomic status.

"(2) USE.—The Secretary shall use the results of the evaluation described in paragraph (1) as part of the national assessment required by subsection (a) and shall report the data from such evaluation to the Congress and the public at least as frequently as reports are made under subsection (a)(4). Reports.

"(d) DEVELOPMENTALLY APPROPRIATE MEASURES.—In conducting the national assessment under subsection (a) and the national ongoing evaluation under subsection (c), the Secretary shall use developmentally appropriate measures to assess student performance and progress.

"(e) PARENTAL INVOLVEMENT, STUDY, REPORT AND DISSEMINATION.—

"(1) IN GENERAL.—The Secretary, through the Office of Education Research and Improvement, shall conduct a study to identify and describe—

"(A) common barriers to effective parental involvement in the education of participating children; and

"(B) successful local policies and programs which improve parental involvement and the performance of participating children.

"(2) DUTIES OF SECRETARY.—The Secretary shall—

"(A) complete such study by December 31, 1996;

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"(B) report the findings of such study to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate; and

"(C) disseminate the findings, relating to the successful local policies and programs which improve parental involvement and the performance of participating children, to local educational agencies.

20 USC 6492

"SEC. 1502. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

"(a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—

"(1) IN GENERAL.—From the funds appropriated for any fiscal year under section 1002(g)(2), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, public or private partnerships involving business and industry organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State content standards and challenging State student performance standards. Such projects shall include promising strategies such as—

"(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide children the opportunity to reach such standards;

"(B) integration of education services with each other and with health, family, and other social services such as mentoring programs, particularly in empowerment zones and enterprise communities;

"(C) effective approaches to whole school reform;

"(D) programs that have been especially effective with limited-English-proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth;

"(E) programs which are especially effective in recruiting, inducting, and retaining highly qualified teachers for service in schools with low student achievement; and

"(F) programs that are built upon partnerships developed between elementary and middle schools, employers, and the community, which emphasize the integration of high quality academic and vocational learning, stress excellence and high expectations for success in academic subjects, instill responsibility, decisionmaking, problem solving, interpersonal skills, and other compentencies in students, and make school relevant to the workplace and

the community, through applied and interactive teaching methodologies, team teaching strategies, learning opportunities connecting school, the workplace, and the community, and career exploration, awareness, and career guidance opportunities.

"(2) EVALUATION.—The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

"(b) PARTNERSHIPS.—From funds appropriated under section 1002(g)(2) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools assisted under this title.

"SEC. 1503. INNOVATIVE ELEMENTARY SCHOOL TRANSITION PROJECTS. 20 USC 6493.

"(a) IN GENERAL.—From the amount appropriated under section 1002(g)(2), the Secretary shall provide not less than $10,000,000, but not more than $40,000,000 to support innovative transition projects in elementary schools authorized under this section.

"(b) GRANTS.—

"(1) LOCAL PROGRAMS.—The Secretary shall award grants to local educational agencies (including such agencies that operate Follow Through programs, Even Start, and other comparable programs) that have formed consortia with early childhood programs (including Head Start, where available) for the purpose of supporting projects, for children from low-income families who previously attended a Head Start program, Even Start program, or similar preschool program, which provide education and other services in early elementary grades.

"(2) PURPOSES OF PROJECTS.—The purposes of projects assisted under this section are to—

"(A) assist eligible children and their families in making a successful transition from preschool through the early elementary grades;

"(B) enable eligible children to achieve challenging academic standards through a model, developmentally appropriate, instructional program; and

"(C) support the active involvement of parents in the education of their children.

"(3) COMPONENTS.—A program assisted under this subsection—

"(A) shall provide transition to elementary school activities, such as—

"(i) development of a transition plan for each child which provides for instruction, support, and assistance through the third grade;

"(ii) transfer of each child's preschool records to the elementary school (with parental consent);

"(iii) formal meetings between a child's parent, preschool teacher, and kindergarten or first grade teacher; and

"(iv) kindergarten visits and other orientation activities for preschool children prior to enrollment in elementary school;

"(B) shall use an instructional approach which—

"(i) has been shown to be effective in providing transition services; or

"(ii) shows promise of providing effective transition services;

"(C) shall provide for the direct participation of the parents of such children in the development, operation, and evaluation of such program;

"(D) shall provide directly or through referral comprehensive educational, health, nutritional, social, and other services that aid in the continued development of eligible children to their full potential;

"(E) shall ensure that each supportive services team developed pursuant to subsection (c)(8) includes a sufficient number of family service coordinators to adequately meet the needs of eligible children and their families; and

"(F) may provide for the use of mentors who are secondary school students to assist elementary and secondary students who were formerly enrolled in Head Start or Even Start programs.

"(c) APPLICATIONS.—An application for a grant under subsection (b) shall—

"(1) describe the goals which the applicant plans to achieve;

"(2) describe the instructional approach the applicant will use, and the manner in which the applicant will implement such approach;

"(3) describe the transition to elementary school activities for which assistance is sought;

"(4) describe the members of the consortium required by subsection (b)(1);

"(5) shall include evidence that the consortium members each have performed assessments of their programs to ensure that such members have the capacity to address the health, immunization, mental health, nutrition, parenting education, literacy, social service (including substance abuse, education, and prevention), and educational needs of low-income students and their families whom the consortium members plan to serve;

"(6) describe how the project will be coordinated with title I, title VII, and other programs under this Act;

"(7) provide evidence that the proposed transition activities, instruction, and other services to be provided by the applicant have been specifically designed to build upon, and coordinate with, the services provided to eligible children and their parents by local Head Start, Even Start, and other similar preschool programs;

"(8) include—

"(A) a plan for the development of a support services team, including a family service coordinator, to—

"(i) assist families, administrators, and teachers to respond to health, immunization, mental health, nutrition, social service, and educational needs of eligible students;

"(ii) conduct home visits and help students and their families to obtain health, immunization, mental

health, nutrition, parenting education, literacy, education (including tutoring and remedial services), and social services (including substance abuse treatment, education, and prevention), for which students and their families are eligible;

"(iii) coordinate a family outreach and support program, including a plan for involving parents in the management of the program under subsection (b), in cooperation with parental involvement efforts undertaken pursuant to this part, the Head Start Act, and the Individuals with Disabilities Education Act, including school-parent compacts, parent volunteer activities, parent education services and training such as the services and training provided through the Even Start program, and regular meetings; and

"(iv) assist families, administrators, and teachers in enhancing developmental continuity between the programs assisted under the Head Start Act, other early childhood development programs, and elementary school classes; or

"(B) a description of the comprehensive, coordinated services currently provided to children eligible for services under this section;

"(9) designate a member of the support services team described in paragraph (8) who will serve as the supervisor of such support services team;

"(10) contain assurances that State agencies, local agencies, and community-based organizations that provide support services to low-income students served by the local educational agency consortium have been consulted in the preparation of the plan described in paragraph (8);

"(11) contain assurances that State agencies, local agencies, and community-based organizations served by the local educational agency consortium will designate an individual who will act as a liaison to the support services team described in paragraph (8);

"(12) describe the target population to be served by the support services team described in paragraph (8), including families previously served under part C of the Head Start Act, or other comparable early childhood development program;

"(13) describe the support services to be provided, directly or through referral;

"(14) describe the Federal and non-Federal resources that will be used to carry out the program;

"(15) contain assurances that the support services described in paragraph (8) will be equipped to assist children and families with limited-English proficiency or with disabilities;

"(16) include a plan describing how the program assisted under this section will be sustained, with funding received under part A or other Federal and non-Federal funding sources, after the grant has expired; and

"(17) contain such other information as the Secretary may reasonably require.

"(d) NATIONAL ACTIVITIES.—

"(1) IN GENERAL.—Of the amount provided under subsection (a) to carry out this section, the Secretary shall use not less than $3,000,000 but not more than $5,000,000 to carry out

national activities to evaluate and improve the use of innovative transition programs.

"(2) TECHNICAL ASSISTANCE AND TRAINING.— Of the amount reserved under paragraph (1), the Secretary shall use not less than $3,000,000 to award grants to public and private nonprofit agencies, institutions, and organizations to provide to consortia which receive grants under subsection (b)(1) and, to the extent feasible, to schools that are designated schoolwide programs under section 1114—

"(A) technical assistance in the implementation and expanded use of model transition and instructional approaches, including the use of appropriate pedagogy, efforts to increase parental involvement and providing access to coordinated services; and

"(B) training in conjunction with the implementation and operation of such model approaches.

"(3) COORDINATION AND DISSEMINATION.—The Secretary, in cooperation with the Secretary of Health and Human Services, may promote coordination of activities assisted under this section with the projects funded under the Head Start Transition Projects Act, including a process to—

"(A) collect information on program activities and results; and

"(B) disseminate information on successful transition programs.

"(4) EVALUATION.—(A) The Secretary, in cooperation with the Secretary of Health and Human Services, is authorized to award grants, or enter into contracts or cooperative agreements, to provide for the evaluation of the programs assisted under this section.

"(B) To the extent practicable, such evaluations shall be conducted jointly with evaluations of Head Start Transition Projects.

"(5) OTHER ACTIVITIES.—The Secretary may undertake other activities to promote the replication of successful transition programs.

"(e) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this section with regulations promulgated under the Head Start Act Amendments of 1994.

"(f) GENERAL PROVISIONS.—

Grants.

"(1) PRIORITY.—In awarding grants under subsection (b)(1), the Secretary shall give priority to applicants that—

"(A) will operate a project under this section at a school designated as a schoolwide program under section 1114;

"(B) serve local educational agencies that have the highest numbers or percentages of poor children; and

"(C) demonstrate a significant commitment by the community to the proposed program, as evidenced by the level of resources, both cash and in-kind, from other public and private sources available to the consortium.

"(2) SUPPLEMENT.—An application for assistance under this section may not be approved unless the Secretary is satisfied that the services to be provided by the applicant will supplement, and not supplant, services that previously provided other Federal assistance.

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"(3) SUFFICIENT SIZE.—A grant under subsection (b)(1) shall be of sufficient size and scope to enable the grantee to operate a project which meets the requirements of this section.

"(4) URBAN AND RURAL GRANTS.—To the extent practicable, the Secretary shall award grants under subsection (b)(1) to consortia in both urban and rural areas.

"(5) RENEWAL GRANT.—To be eligible to renew a grant under the section, an applicant that received assistance under subsection (b)(1) shall demonstrate that the project achieved the purposes described in subsection (b)(2).

"(g) DEFINITIONS.—As used in this section:

"(1) FAMILY SERVICES COORDINATOR.—The term 'family services coordinator' means an individual who has the skills necessary to assist families in obtaining support services and may be an existing employee of a local educational agency or Head Start agency.

"(2) HEAD START AGENCY.—The term 'Head Start agency' means any agency designated as a Head Start agency under the Head Start Act (42 U.S.C. 9831 et seq.).

"(3) SUPPORT SERVICES.—The term 'support services' means services that enhance the physical, social, emotional, and intellectual development of low-income children, including the provision of necessary support to the parents and other family members of such children.

"PART F—GENERAL PROVISIONS

"SEC. 1601. FEDERAL REGULATIONS. 20 USC 6511.

"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this title.

"(b) NEGOTIATED RULEMAKING PROCESS.—

Federal Register, publication.

"(1) IN GENERAL.—Prior to publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with the implementation and operation of programs under this title.

"(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendation may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

"(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

"(A) establish a negotiated rulemaking process on a minimum of two key issues, including—

"(i) schoolwide programs; and

"(ii) standards and assessment;

"(B) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, including representation from all geographic regions of the United States; and

"(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (A) not less than 15 days prior to the first meeting under such process.

"(4) PROCESS.—Such process—

"(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than July 1, 1995; and

"(B) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

"(5) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued with a very limited time to assist State and local educational agencies with the operation of a program under this title, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.

"(c) LIMITATION.—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

20 USC 6512.

"SEC. 1602. COORDINATION OF FEDERAL, STATE, AND LOCAL ADMINISTRATION.

"(a) PROGRAM ASSISTANCE MANUAL.—The Secretary shall, not later than six months after the publication of final regulations under this title, prepare and distribute to State educational agencies, State agencies operating programs under parts C and D, and local educational agencies, and shall make available to parents and other interested individuals, organizations, and agencies, a manual for this title to—

"(1) assist such agencies in—

"(A) enhancing the quality, increasing the depth, or broadening the scope of activities for programs under this title;

"(B) applying for program funds under this title; and

"(C) meeting the program objectives under this title;

"(2) assist State educational agencies in achieving proper and efficient administration of programs funded under this title;

"(3) assist parents to become involved in the planning for, and implementation and evaluation of, programs and projects under this title; and

"(4) ensure that officers and employees of the Department, including officers and employees of the Secretary and officers and employees of the Department charged with auditing programs carried on under this title, uniformly interpret, apply, and enforce requirements under this title throughout the United States.

"(b) CONTENTS OF POLICY MANUAL.—The policy manual shall, with respect to programs carried out under this title, contain descriptions, statements, procedural and substantive rules, opinions, policy statements and interpretations and indices to and amendments of the foregoing, and in particular, whether or not such descriptions, statements, procedural and substantive rules, opinions, policy statements and interpretations and indices are required under section 552 of title 5, United States Code, to be published or made available. The manual shall include—

"(1) a statement of the requirements applicable to the programs carried out under this title, including such requirements contained in this title, the General Education Provisions Act, other applicable statutes, and regulations issued under the authority of such statutes;

"(2) an explanation of the purpose of each requirement and its interrelationship with other applicable requirements; and

"(3) model forms and instructions developed by the Secretary for use by State and local educational agencies, at the discretion of such agencies, including, application forms, application review checklists, and instruments for monitoring programs under this title.

"(c) RESPONSE TO INQUIRIES.—The Secretary shall respond with written guidance not later than 90 days after any written request (return receipt requested) from a State or local educational agency regarding a policy, question, or interpretation under this title is received. In the case of a request from a local educational agency, such agency is required to address its request to the State educational agency first.

"SEC. 1603. STATE ADMINISTRATION. 20 USC 6513.

"(a) RULEMAKING.—

"(1) IN GENERAL.—Each State that receives funds under this title shall—

"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to the committee of practitioners under subsection (b) for their review and comment;

"(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject; and

"(C) identify any such rule, regulation, or policy as a State-imposed requirement.

"(2) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the challenging State content standards and challenging State student performance standards.

"(b) COMMITTEE OF PRACTITIONERS.—

"(1) IN GENERAL.—Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

"(2) MEMBERSHIP.—Each such committee shall include—

"(A) as a majority of its members, representatives from local educational agencies;

"(B) administrators;

"(C) teachers, including vocational educators;

"(D) parents;

"(E) members of local boards of education;

"(F) representatives of private school children; and

"(G) pupil services personnel.

"(3) DUTIES.—The duties of such committee shall include a review, prior to publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situa-

tion where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation prior to issuance in final form.

"(c) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of its duties under this title the greater of—

"(1) 1.00 percent of the funds received under subsections (a), (c), and (d) of section 1002; or

"(2) $400,000, or $50,000 in the case of the outlying areas.

20 USC 6514.

"SEC. 1604. CONSTRUCTION.

"(a) PROHIBITION OF FEDERAL MANDATES, DIRECTION, OR CONTROL.—Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

"(b) EQUALIZED SPENDING.—Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

"(c) BUILDING STANDARDS.—Nothing in this title shall be construed to mandate national school building standards for a State, local educational agency, or school.

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